FAR EASTERN AND PACIFIC SUB-COMMISSION MINUTES.

Indexed

UNITED NATIONS
WAR CRIMES COMMISSION

FAR EASTERN AND PACIFIC

SUB-COMMISSION

MINUTES.

Indexed

UNITED NATIONS
WAR CRIMES COMMISSION

FAR EASTERN AND PACIFIC SUB-COMMISSION MINUTES.

Indexed

UNITED NATIONS
WAR CRIMES COMMISSION

MINUTES OF THE INAUGURAL MEETING
OF THE FAR EASTERN AND PACIFIC SUB-COMMISSION
OF THE UNITED NATIONS WAR CRIMES COMMISSION.

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Time and Place: 4 p.m. Wednesday, 29th November, 1944, at 305 Chung San Road, Chungking.

Representatives Present:

Mr. George Atcheson, Jr.	United States of America.
Mr. Keith Officer	Australia
Monsieur Robert Rothschild	Belgium
H.E. Dr. Wang Chung-hui Assisted by: Dr. Wang Hua-cheng, Director Yang Yun-chu	China
H.E. Mr. Stanislav Minovsky	Czechoslovakia
Monsieur Achille Clarac	France
Major A. Napier	India
H.E. Mr. A.H.J. Lovink	The Netherlands
H.E. Count Alfred Poninski	Poland
H.E. Sir Horace James Seymour Assisted by: Mr. G.V. Kitson	United Kingdom

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H.E. Dr. Wang Chung-hui thanked all those present for having accepted his invitation to attend the inaugural meeting of the Far Eastern and Pacific Sub-Commission of the United Nations War Crimes Commission.

1. Election of Chairman

Dr. Wang called the attention of the meeting to Article I. Section 1 of the Rules as approved generally by the London Commission at its Fifth Meeting on 18th January, 1944, concerning election of the Chairman and also to Article III, Rule 15 concerning the secret ballet.

Sir Horace Seymour stated that the Sub-Commission was very fortunate in having as one of its members the Chinese representative who is a gentleman very well known, in wisdom and experience in the kind of work which the Sub-Commission would be called upon to do and that he believed he was expressing the wishes of all if he proposed the election of Dr. Wang Ching-hui as Chairman of the Sub-Commission. The motion was unanimously carried.

Dr. Wang expressed appreciation for the honour conferred upon him and his country and expressed the confidence that he would have the support and co-operation of his colleagues in the task before them.

2. The following documents were distributed at the meeting:

a) List of Representatives. (Annex 1)
b) Rules (as approved generally by the London Commission at its Fifth Meeting on 18th January 1944.) (Annex 2)
c) Report presented by the Chinese Representative on the establishment of the Far Eastern and Pacific Sub-Commission of the United Nations War Crimes Commission (Annex 3)

The report was read before the meeting which had no comments to make.

3. Organization of the Secretariat.

The Chairman remarked the organization of a secretariat to attend to the work of the Sub-Commission was the most urgent problem and that the meeting should consider the appointment of a secretary-general. Attention was called to the procedure adopted by the London Commission in this connection.

Mr. Atcheson remarked that the post of secretary-general required a person of broad experience, of very considerable intelligence and with a good knowledge of the Chinese and foreign languages, and that he would like to propose the appointment of Mr. P.H. Chang, Counsellor of the Executive Yuan, as secretary-general to the Sub-Commission. The appointment was approved.

Dr. H.C. Wang suggested that at the beginning the secretariat might be composed of four persons: a secretary-general, a secretary, an assistant secretary and a shorthand-typist. : As the work increased, the staff could be enlarged. The Chairman and the secretary-general would be authorized to engage these three staff members. This was agreed to.

4. Message from Sir Cecil Hurst, Chairman of the London Commission and the proposed reply. (Annex 4).

The good will message from Sir Cecil Hurst, Chairman of the London Commission was read and the proposed reply approved.

The Chairman remarked that this reply would be sent to the London Commission together with the report of the holding of the inaugural meeting and the election of the Chairman and Secretary-General.

5. Communications from the Australian Legation and Netherlands Embassy. (Annex 5)

The Chairman remarked that with regard to the communication from the Australian Legation, points 1 and 2 were covered by the resolution of the Commission in London. As to point 3, he was personally of the opinion that since this was a question concerning the competence of the Sub-Commission itself, it should be referred to the Commission in London.

Mr. Keith Officer stated that he was quite agreeable to this.

Dr. H.C. Wang remarked that the statement made by the Netherlands Embassy was also covered by the resolution of the Commission in London.

Mr. Kitson doubted whether point 2 of the Australian communication was covered by the resolution of the Commission in London.

Dr. H.C. Wang thought it was understood because the Commission in London never takes upon itself the investigation of war crimes. All cases must be submitted by member governments.

Mr. Kitson thought he read in recent minutes of the London Commission that the Commission could bring up for consideration major war criminals. That would not be brought up by governments, but by the Commission itself. There was the question of Hitler.

The Chairman stated that the whole question would be referred to the London Commission.

6. Setting up of a Finance Committee.

The Chairman remarked that it was important to set up a Finance Committee, and that as the work of the Sub-Commission demanded, other committees could be formed.

Dr. H.C. Wang was called upon to explain the procedure of appointing the Finance Committee by the Commission in London. Following the same procedure, the Chairman was authorized to appoint the Finance Committee. The Chairman thereupon requested Sir Horace Seymour, Mr. George Atcheson and Mr.A.H.J. Lovink to serve as members of the Finance Committee, who expressed their willingness to accept.

7. Budget of the Sub-Commission up to the end of March 1945.

The Chairman expressed the opinion that this was a problem to be first considered by the Finance Committee.

Sir Horace asked that the secretary-general be requested to attend the Finance Committee meeting which would be called at an early date, in order to advise on salary scales, etc.

The Chairman remarked that the Finance Committee would elect its own chairman. He also called the attention of the members to Article III, Rule II that members of the Sub-Commission may attend any committee meetings and take part in the discussions. The Secretary-general would be requested to give notice of the time and place of the meeting to all members.

8. Minutes of the London Commission.

The Chairman stated that the Sub-Commission did not have a complete set of minutes and documents, but that the Ministry of Foreign Affairs had already wired to London asking for a complete set. Minutes and documents would be mimeographed and sent to members.

Sir Horace called the attention of the meeting to the fact that the London Commission treats all documents as secret. The Chairman said that this point is covered by Article III, Rule 14 concerning publicity and that the Sub-Commission would treat all documents as strictly confidential.

9. Date of subsequent meetings.

The Chairman suggested that the date for the next meeting ~~should be set for two weeks later as the question of the~~ budget would have to be decided upon, and that the date for subsequent meetings could be decided later.

It was agreed that the next meeting would be held on Wednesday, 13th December, at 4 p.m. at 305 Chung San Road.

10. Publicity

Attention of members was called to Article III, Rule 14 on publicity, and it was resolved that no news should be given to the press without the authorization of the Sub-Commission. However, a statement should be issued to the press announcing the inauguration of the Far Eastern and Pacific Sub-Commission of the United Nations War Crimes Commission with Dr. Wang Chung-hui as Chairman and Mr. P.H. Chang as secretary-general.

11. Minutes of the Sub-Commission

Mr. Lovink pointed out that if each member could be supplied with two copies of minutes, it would be a great convenience as copy has to be sent to each government. This was agreed to.

12. Documents from the Chinese Government.

Mr. Lovink brought up the question of translation into English of cases and documents to be submitted by the Chinese Government. Mr. Kitson also raised the question as to whether evidence submitted by the Chinese Government would be in the Chinese language. The Chairman replied that the Chinese Government would be requested to provide an English translation with every document submitted by them to the Sub-Commission.

The meeting adjourned at 5.10 p.m.

SECRET SM2.

MINUTES OF THE SECOND MEETING OF
THE FAR EASTERN AND PACIFIC SUB-COMMISSION
OF THE UNITED NATIONS WAR CRIMES COMMISSION

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Time and Place: 4 p.m. Friday, 5th January 1945, at 305 Chung San Road, Chungking.

Representatives Present:

H.E. Dr. Wang Chung-hui (in the Chair) Assisted by Dr. Wang Hua-cheng	China
Mr. George Atcheson, Jr.	United States of America
Mr. Keith Officer	Australia
Monsieur Robert Rothschild	Belgium
H.E. Mr. Stanislav Minovsky	Czechoslovakia
Monsieur Achille Clarac	France
Major A. Napier	India
H.E. Mr. A.H.J. Lovink	The Netherlands
H.E. Count Alfred Poninski	Poland
H.E. Sir Horace James Seymour Assisted by Mr. G.V. Kitson	United Kingdom

Also Present:- Mr. P.H. Chang, Secretary-General.

After Dr. Wang Chung-hui took the Chair, he announced the attendance of the Secretary-General of the Sub-Commission, Mr. P.H. Chang, remarking that Mr. Chang needed no introduction as he was well known to all present. Dr. Wang then proceeded to the business on the agenda.

1. Approval of the Minutes of the Inaugural Meeting of the Sub-Commission.

The Chairman inquired whether members had any comments to make on the minutes of the Inaugural Meeting of the Sub-Commission, copies of which had already been circulated. He suggested that the last two lines on Page 2 reading "The Chairman stated that the whole question would be referred to the London Commission" should be deleted and substituted by the following: "At the suggestion of the Chairman and with the concurrence of the Netherlands and Australian representatives, it was decided to refer the whole question to the London Commission for decision".

The Minutes of the Inaugural Meeting were approved and signed by the Chairman subject to the substitution of the text quoted in the preceding paragraph for the last two lines on Page 2 of the minutes.

2. Reports of the Finance Committee.

The Secretary-General read the reports of the Finance Committee, which were adopted (Annexes 1 and 2).

3. Additional Business.

The Secretary-General reported that the Sub-Commission had received documents concerning cases of Japanese atrocities from Dr. C.T. Wang of the Chinese War Crimes Investigation Committee, but as these occurred before the attack on Pearl Harbour, no discussion could now be held till a decision was reached by the London Commission, which was in accordance with a resolution made by the Sub-Commission

at the Inaugural Meeting, concerning the communication from the Australian representative.

The Chairman added that Sir Cecil Hurst had a conversation with the Chinese Ambassador in London on this point wherein he expressed his personal view that this matter should be first discussed by the Sub-Commission. He understood that the London Commission is now studying the question, but has not yet reached a decision. The Chairman also remarked that as far as China is concerned, most of the cases of Japanese atrocities happened before the Pearl Harbour attack.

The Chairman then inquired whether Mr. Officer had anything to suggest or any point to elucidate.

Mr. Officer replied that he thought this was a point to be decided by the London Commission and that it was his understanding that this point had already been raised in London, in a tentative way some time ago.

Dr. H.C.Wang stated that according to information received from Dr. Wellington Koo, these points were not raised in the London Commission by the Australian representative.

Mr. Officer replied that they had been raised in the Sub-Committee, but not yet decided upon by the Commission.

Mr.Atcheson remarked that he would be glad to send a telegram to Washington urging that action on this matter be hastened and that he personally would recommend to his government that all cases from July 7, 1937 should be covered.

Dr. H.C.Wang remarked that this was a question of principle, involving not only China but also other countries with interests in the Far East (as there were cases involving British subjects and American citizens in China)

Count Poninski stated that he knew of atrocities committed against poles, but that he had not the evidence available.

Mr. Rothschild stated that the Belgian Government has no objection to covering the pre-war period.

The Chairman stated that the Chinese representative in London had made the reservation of covering cases as far back as September 18, 1931. This was not accepted, but was recorded in the minutes. Dr. H.C.Wang said that that was so, adding that there was no doubt at least July 7, 1937, should be the date from which the cases should be considered.

It was then decided that a telegram should be sent to the London Commission urging them to make an early decision on this question.

4. Subsequent meetings.

The Secretary-General reported that he was informed by the secretary of the War Production Board that Friday afternoons would be more convenient for it to let the Sub-Commission have the use of its conference room.

It was decided in principle that subsequent meetings of the Sub-Commission would be held on Friday, at 4 p.m. the date of the next meeting to be fixed by the Chairman as business required.

5. Appointment of substitutes to attend meetings of the Sub-Commission

Mr. Lovink raised the point whether in the event of his inability to attend a meeting, it would be permitted to let the Counsellor of the Netherlands Embassy attend on his behalf.

Mr. Kitson remarked that this was done in London. In the absence of Dr. Wellington Koo, Dr. Liang of the Chinese Embassy acted on his behalf.

The Secretary-General pointed out that this has been done in the Sub-Commission, as in the case of Major Napier who has been acting for the Indian Agent-General.

The Chairman was of the opinion that in case of necessity this was permissible. He emphasized, however, that substitutes must observe strict secrecy also.

The meeting adjourned at 4.45 p.m.

ANNEX 1.

MINUTES.

Meeting of the Finance Committee of the Far Eastern and Pacific War Crimes Sub-Commission on 4th December 1944 at 11 a.m. Held in His Majesty's Ambassador's room at the British Embassy, Chungking.

There were present:- His Excellency the Netherlands Ambassador, His Excellency the British Ambassador, Mr. George Atcheson, Charge d'Affaires of the American Embassy, Mr. G.V.Kitson, Chinese Counsellor of the British Embassy, and Mr. Chang Ping-hsun, Secretary-General to the Sub-Commission.

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1. The Budget from the date of establishment to the 31st March 1945, for printing, stationery and other expenses amounts to $ 150,000. An additional sum of Rs. 425 for expenses in India.

To recommend to the Sub-Commission that the sum of $150,000 be approved for the Budget to be paid by the London Commission, remittances to be made through the Foreign Office and the British Embassy, Chungking.

2. Discussion followed regarding the size of the staff needed for the work of the Sub-Commission and the salaries thereof.

The Chairman of the Sub-Commission, Dr. Wang Chung-hui, would prefer a foreigner as Secretary and it was decided that the members of the Finance Committee would enquire as to the possibility of there being a suitable person for the post in Chungking. No salary was settled.

It was decided to recommend to the Sub-Commission that the services of a full time typist be obtained with a maximum

salary of $20,000 per mensem and that the services of Miss Marjorie Chen be engaged for half time work with a salary of $12,500. Both these salaries subject to review in accordance with the cost of living and the amount of work involved.

3. The next meeting of the Finance Committee to be held at the Netherlands Embassy on Friday, December 8th at 9.15 a.m.

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ANNEX 2.

MINUTES.

Meeting of the Finance Committee of the Far Eastern and Pacific War Crimes Sub-Commission on 28th December, 1944, at 12. Held in Her Majesty's Ambassador's room at the Netherlands Embassy, Chungking.

There were present: His Excellency the British Ambassador, His Excellency the Netherlands Ambassador and Mr. George Atcheson, Counsellor of the American Embassy.

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1. The Finance Committee recommend a monthly allowance for
the Secretary-General - CN$40,000.00
the Secretary - CN$30,000.00

The Committee realise that these allowances may require revision at the end of the financial year March 31st, 1945, in the light of existing circumstances.

2. The Sub-Committee understand that the services of Miss Marjorie Chen may not be available. In that case they recommend to make provision on the budget for a second full time typist at the same salary as previously recommended of $20,000.00 per month, subject to revision month by month in view of the rising cost of living.

3. The recommendation of the Finance Committee are therefore:-

For printing, stationery and other expenses	$150,000.
An additional Rs.425 for the purchase of stencil papers in India	
Allowance for the Secretary-General and the Secretary	280.000
Salary of two full time typist	160.000
TOTAL	$590.000.

The Finance Committee suggest that the Sub-Commission in placing their budget before the Main Commission should indicate that this budget is subject to revision upwards in accordance with the possible rise of the cost of living in Chungking.

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V.D.W.

SECRET D.1.

UNITED NATIONS WAR CRIMES COMMISSION
FAR EASTERN AND PACIFIC SUB-COMMISSION.

List of Representatives.

Australia	Mr. Keith Officer
Belgium	Monsieur Robert Rothschild
China	H.E. Dr. Wang Chung-hui Assisted by: Dr. Wang Hua-cheng Director Yang Yun-chu
Czechoslovakia	H.E. Mr. Stanislav Mincvsky
France	Monsieur Achille Clarac
India	Mr. K.P.S. Menon (During Mr. Menon's absence The India Charge d'Affaires Major A. Napier, will serve as representative of India)
Luxemburg	Monsieur Rene Blum (not yet arrived)
The Netherlands	H.E. M.A.H.J. Lovink
Poland	H.E. Count Alfred Poninski
United Kingdom	H.E. Sir Horace James Seymour assisted by Mr. G.V. Kitson
The United States of America.	Mr. George Atcheson

ANNEX 2, containing the Rules, and the first two sections of ANNEX 3 (Report on the Establishment of the Sub-Commission) are not reproduced.

The two final sections of ANNEX 3 which deal with the progress of the Sub-Commission's work, are given below.

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III

THE FAR EASTERN AND PACIFIC SUB-COMMISSION

Establishment of the Sub-Commission

8. In view of the increasingly large number of war crimes committed by the Japanese in the Far East and the need of early investigation and examination, it was contemplated from the outset that a Far Eastern panel of the United Nations War Crimes Commission should be created. At the Fifteenth Meeting of the Commission on April 25th,1944, the Chinese representative submitted a formal proposal on the establishment of the Far Eastern panel. It was revolved that a special committee with the Chinese representative as chairman should be set up to consider and report on the subject. The report of this special committee in favour of immediate establishment of the Far Eastern and Pacific Sub-Commission was adopted by the Commission on May 16th 1944.

Functions of the Sub-Commission

9. The functions of the Sub-Commission are defined in the report as follows:-

"(i) That a Far Eastern and Pacific Sub-Commission of the Commission be established in Chungking with the function of dealing with war crimes committed by Japanese.

"(ii) The Sub-Commission may sit at such other places as the work may require.

"(iii) Recommendations as to any modification of the principles and rules adopted by the United Nations War Crimes Commission which may be required by special local conditions shall be reported to the Commission for approval

"(iv) Recommendations to the Governments must be made through the War Crimes Commission".

It was also recommended in the report that "the question of bringing cases of Japanese war crimes before the War Crimes Commission in London should be left open and it was also agreed that the conclusions adopted by the Committee did not preclude the possibility of creating other branches of the Commission".

Membership of the Sub-Commission

10. Since the Sub-Commission was to be part of the War Crimes Commission and the punishment of Japanese war crimes is of common concern to the United Nations, the chairman of the Commission invited all the governments participating therein to join the Sub-Commission. According to the latest information received by the Chinese Ministry of Foreign Affairs the following countries have decided to join the Sub-Commission.

Australia.	Mr. Keith Officer
Belgium	Monsieur Robert Rothschild
China	H.E.Dr.Wang Chung-hui assisted by: Dr.Wang Hua-cheng Director Yang Yun-chu
Czechoslovakia	H.E. Mr.Stanislav Mincvsky
France	Monsieur Achille Clarac
India	Mr.K.P.S.Menon (During Mr. Menon's absence The Indian Charge d'Affaires Major A. Napier,will serve as representative of India.)
Luxemburg	Monsieur Rene Blum (not yet arrived)
The Netherlands	H.E. M.A.H.J.Lovink
Poland	H.E. Count Alfred Poninski
United Kingdom	H.E.Sir Horace James Seymour assisted by Mr.G.V. Kitson
United States of America . . .	Mr. George Atcheson.

Finance.

11. Since the Sub-Commission is a part of the war crimes Commission, it was recommended in the report of the Finance Committee adopted on May 23rd, 1944, that "the expenses of the Sub-Commission should be met in the same manner and out of the same budget as those of the Commission" and that "the expenses to be borne are only those involved in the actual operation of the Sub-Commission itself, for the expenses of representatives sitting on it or attending it, and the cost of preparing and transmitting cases, will fall on the Governments concerned as is the case for the Commission".

Premises for the Sub-Commission

12. For the accomodation of the Sub-Commission's office the Chinese Government has provided suitable premises in Chungking (305, Chung San Road) just as the British Government has done for the main Commission in London.

III

COMMUNICATIONS FROM THE AUSTRALIAN LEGATION AND THE NETHERLANDS EMBASSY IN CHUNGKING TO THE MINISTRY OF FOREIGN AFFAIRS.

13. In a note dated November 6th, 1944, addressed to the Chinese Minister for Foreign Affairs, the Australian Chargé d' Affaires, Mr. Keith Officer, stated

> In appointing a representative on the Far Eastern and Pacific Sub-Commission for the investigation of Japanese war crimes, the understanding of the Australian Government is that the setting up of the Chungking Panel does not preclude the setting up of a Southwest Pacific Panel nor does it preclude bringing the cases of atrocities by the Japanese directly before the main commission in London.
>
> 2. It is understood that the panel will have no power ofinitiation and will deal only with cases which may be referred to it by any combatant government.
>
> 3. In the opinion of the Australian Government, events in CHina prior to December 1941 present a special case which should be made the subject of a special commission concerned with the China incident as a whole and operating separately from the United Nations Commission for the Investigation of War Crimes.

14. In a Verbal Memorandum dated November 9th, 1944, addressed to the Chinese Minister for Foreign Affairs the Netherlands Ambassador stated that "the Netherlands Government, at the time of the formation of the said Sub-Commission, made the reservation that this should not prejudice the formation of any equivalent Sub-Commission in the Far East, for instance in the Netherlands Indies, nor the bring up before the London Commission of matters pertaining to Japan".

ANNEX 4 - Message from Sir Cecil Hurst and Reply sent by Dr. Wang Chung-hui not reproduced.

SECRET. SM 4

MINUTES OF THE FOURTH MEETING
OF THE FAR EASTERN AND PACIFIC SUB-COMMISSION
OF THE UNITED NATIONS WAR CRIMES COMMISSION

Time and Place: 4 p.m. Friday, February 23rd, 1945, at 305 Chung San Road, Chungking.

Representatives Present:

H.E. Dr. Wang Chung-hui (in the Chair) Assisted by Dr. Wang Hua-cheng	CHINA
Mr. George Atcheson Jr. Assisted by Col. E.H. Young and Maj. W. West	UNITED STATES of AMERICA
Mr. Keith Officer	AUSTRALIA
Monsieur Robert Rothschild	BELGIUM
H.E.Mr. Stanislav Kinovsky	CZECHOSLAVAKIA
Monsieur Achille Clarac	FRANCE
Major A. Napier	INDIA
H.E.Mr. A.H.J. Lovink	THE NETHERLANDS
H.E. Count Alfred Poninski	POLAND
H.E. Sir H. Seymour Assisted by Mr. G.V.Kitson	UNITED KINGDOM

Also Present: Mr.P.H. Chang, Secretary-General.

Having called the meeting to order, the Chairman welcomed Col. Young who was appointed, in addition to Capt. (now Major) West, by the American Government to assist the U.S. Representative on the Sub-Commission.

1. Approval of minutes of the Third Meeting.

Subject to the following additions and alterations, minutes of the last meeting were approved and signed by the Chairman :-

(A) Insert after second paragraph on page 3, S.3, another one as follows :-
"Mr. Kitson pointed out that the War Crimes Commission functions in much the same way as a magistrate's court in the United Kingdom committing a person for trial for a serious crime. Before committing for trial, a prima facie case has to be made out. In war crimes cases this has to be fairly convincing."

(B) At the end of Section 5, page 3, change the word 'convener' to 'chairman' and add, "it being agreed at the same time, that Mr. van den Berg, Counsellor of the Netherlands Embassy, be added to this Sub-Committee to assist the Chairman in his work".

2. Distribution of copies of London Commission's records.

Seventy-nine pages (81-159) of the London Commission's records were distributed to all members at the meeting.

3. Telegrams from London.

(A) "War Crimes Commission on January 31 met to elect Chairman. Lord Wright was unanimously elected chairman. Koo."(Feb.2,1945)

Immediately after the receipt of this cablegram, the Sub-Commission dispatched the congratulatory message agreed upon at the last meeting and on February 17, Dr. Wang Chung-hui sent the following wire:-

(B) "Lord Wright replies : 'My very heartfelt thanks for Chungking Sub-Commission's congratulations to me on my election as chairman Main Commission. I shall do my best justify their felicitation'. Koo."

(C) 'United Nations War Crimes Commission has considered questions which have been presented in Far Eastern and Pacific Sub-Commission by representatives of Netherlands and Australia referred to it by Sub-Commission and on advice of its Far Eastern and Pacific Committee, it replies to these questions as follows:

(a) It was made clear in letter addressed by Sir Cecil Hurst on Jan. 9, 1944 with approval of commission (... blank...) represented on commission that establishment of Far Eastern and Pacific Sub-Commission does not preclude creation of other branches of commission.

(b) Subject to its terms of reference main commission does not restrict scope of its work or its power of (blank) and it feels that Sub-Commission should act on same basis.

(c) Taking note of statement made in Far Eastern Pacific committee by Australian representative on commission the Australian Government would see no objection to Sub-Commission's dealing with War Crimes committed by Japanese before December 1941 and after. Considering question in the light of its own practice, the Commission feels that Sub-Commission should not limit its investigations to War Crimes committed after a particular date, and that each case should be considered on its merits."

4. Report of Sub-Committee on Facts and Evidence.

Minutes of the Sub-Committee's first meeting (see D 5) and its Recommendation (see D 6) were read. Subject to the deletion, at the end of the first paragraph on page 2, of the words "a copy of which is annexed to these minutes", both were adopted, it being also decided that the Sub-Committee's Recommendation be sent to the London Commission for information and comment and that meanwhile the Sub-Commission should proceed along the lines recommended.

5. Examination of cases (D 7).

To avoid duplication of effort, the Sub-Commission decided not to examine cases until they are properly put in adopted forms which the Chinese National Office is being urged to print as soon as possible. For the moment these cases are referred to the Sub-Committee for reference and preliminary study.

6. Other business.

(A) Date of next meeting : Tentatively fixed for Friday, March 16, at 4 pm.

(B) The Secretary-General made a short verbal report on finance, concluding that out of N.C. $590,000 - received, $184,200 - had been paid out up to February 23, balance in the Bank being $405,800.-

The meeting adjourned at 5 :55 pm.

S E C R E T

D.5

UNITED NATIONS WAR CRIMES COMMISSION

FAR EASTERN AND PACIFIC SUB-COMMISSION

Sub-Committee on Facts and Evidence.

Minutes of the First Meeting.

(As approved on Febuary 15th, 1945 at the Second Meeting.)

Time and Place : 9.30 a.m. Thursday, February 8th, 1945, at the Royal Netherlands Embassy.

Present : H.E. Mr. A.H.J. Lovink (chairman),
assisted by Mr. Jan van den Berg,
Mr. G.V. Kitson,
Dr. Wang Hua-cheng,
Capt. W. West.

Examination of charges : The chairman, after having opened the meeting, stated that the sub-committee had for examination a summary of five cases in which persons belonging to the Roman Catholic Mission in Changteh had been the victims of Japanese atrocities about the end of November 1943 and the beginning of December of the same year.

The sub-committee agreed that the facts related in the above summary constituted prima facie evidence of war crimes, as enumerated in the list of war crimes drawn up by the Responsibilities Commission of the Paris Peace Conference in 1919, so far the only guide at the disposition of the sub-committee as to what crimes should be considered as war crimes at the present time.

As to the form in which the above five cases should be listed, a discussion ensued, which resulted in the committee taking the following course:

The forms used by Committee I in London, of which the present sub-committee appears to constitute more or less the Far Eastern counterpart, appear most suitable and Dr. Wang, kindly assisted by Captain West, would approach the Chinese National Office with a view to the use of similar forms, to be completed in quintuplicate for the members of the sub-committee, to which they would be sent through the intermediary of the Secretary General of the Sub-Commission. The cases thus presented could then be studied by the members of the sub-committee individually and then examined at the meetings of the sub-committee, which would enter its observations and recommendations in the space provided on the back of the forms.

A copy of this form was handed by Mr. Kitson to Dr. Wang.

The sub-committee considered it desirable that when evidence was being collected in cases, like the present ones, involving foreigners, their names should be given in the usual written form, viz. in Latin script, to which the Chinese characters together with their code-numbers in the Chinese Telegraph Code to facilitate indexing. This might be done in the cases of all Chinese [illegible].

The data to be collected by the National Office should be as precise and complete as possible and not only be confined to statements of the persons directly involved, but also of witnesses, whose testimony would corroborate the facts as they occurred.

As to the procedure to be followed in the examination of cases or charges before the sub-committee, the latter considered the classification adopted by Committee I in London.

It was proposed to leave for further consideration the question as to whether this, or some alternative classification, should be adopted by the sub-committee.

The sub-committee considered it very likely that in the majority of cases which would come up for examination the actual culprits might not be indentifiable. It might be possible, however, for the National Office, to obtain exact data as to the Japanese officers who at a certain time and place were in command and who might not only be able to furnish particulars as to the actual perpetrators, but might also be regarded as sharing responsibility for the latters' crimes. The chairman stated as his personal opinion that he considered it desirable that these officers be made immediately available as soon as fighting ceases, either as material witnesses or as accessories to the crime in order to prevent evidence being destroyed or otherwise made unavailable and justice thereby frustrated.

The sub-committee therefore decided that each of its members should consider this matter, and especially the question of extended responsibility, in order that a definite recommendation to the Sub-Commission could be drawn up at the next meeting.

The meeting then adjourned at 11.45 and agreed to meet again at the same time and place on Thursday, February the 15th, 1945.

D.6

S-E C R E T

SUB-COMMITTEE ON FACTS AND EVIDENCE

RECOMMENDATION

In the same way as the Commission in London is not only charged with the investigation of war crimes with a view to the trial of the authors of these crimes, but also with the examination of questions of law, method and policy, so the task of the Sub-Commission is two-fold.

The Sub-Committee on Facts and Evidence has to ascertain that the material before it shows "that there is reason to belive that a "war crime of reasonable importance had been committed, and that there "is good reason to think that the alleged offender, if and when he is "put on trial for the offence, will be convicted. It is not, therefore, "essential that the name of the accused should be known, if it is "reasonably certain that it can and will be obtained in due course; nor "is it essential that the evidence should be complete if it is reasonably "clear that further evidence can and will be available on the spot when "the country, where the crime was committed is liberated" (page 2 of Progress Report C 48/1, adopted by the London Commission on 19 September 1944).

In order, however, that no evidence will be destroyed or otherwise made unavailable, a recommendation was adopted in London on May 16,1944 (C21) "that the Governments through their national offices should "communicate to the Commission lists of the enemy military and civil "persons in authority in each occupied district."

A later recommendation was adopted on June 13th 1944 (C31) "as to the type of clause which might with advantage be inserted in the "armistice to ensure the surrender of persons who were wanted in connection with war crimes by the Governments of the United Nations."

From the above it is clear that the London Commission intends to leave nothing undone in order to gring war criminals to book.

The question as to whether Japanese officials and officers in command at those places where war crimes have been committed should only be surrendered as material witnesses for the purpose of providing particulars concerning the authors of these crimes or also be held for trial as accessories thereto is one of general policy which needs the serious consideration of the Sub-Commission in Chungking.

In studing this question of "extended responsibility" the fact should be taken into account that according to the Japanese conception of justice responsibility for acts committed by subordinates is a matter which ipso facto evolves upon any superior, whose timely intervention might have prevented their occurence. This Japanese point of view is of great importance since the punishment of war crimes not only takes place in retribution for misdeeds according to our standards of justice and equity, but is also intended to serve as a warning to the Japanese army and people as a whole for the future.

The war crimes committed by the Japanese are the outcome of a definite code of ethics adopted by the Japanese as part of their scheme to win.

Reference is made here to Hillis Lory's book "Japan's Military Masters", where he writes on page 34: "Even in war we are bound marally "by an accepted code of ethics. We refuse to use treachery, dirty "fighting and wanton unnecessary cruelty. The Japanese adopt them all- " and adopt them not with a sense of shame but as legitimate tactics to "win. "Theirs, consequently, is a code that surpasses in ruthlessness "even the accepted cruelty of modern war. It is a code that can shoot "a defenceless pilot parachuting from his plane. A code that has placed "its approval on the Army's notorious'slaughter battles' in China "where unarmed civilians have been murdered by tens of thousands. A code "that allows pilots to swoop over crowded streets to machine gun helpless "women and children. A code that uses the white flag of surrender to mow "down her enemies who in good faith come to accept it. This picture of "a nation highly skilled in the mechanicer of modern war but warped in "thinking by this feudal heritage merits closer examination" and on page 71: "Those were years when Japan was currying the favour of neutral "Western Powers' (the author refers to previous war of Japan) and seemed "willing to adopt temporarily accepted standards of the West. However, "the rape and looting by Japanese troops following the capture of Nanking "in December 1937, and later Hangchow, have been followed by atrocities "at Hongkong, in the Philippines, and other conquered areas. They reveal "the Japanese army to-day no longer follows the ethics traditionally held "before them as an interral part of their spiritual training. Their "recent records indicate that the conduct of Japanese troops today "following the capture of new areas seems to depend largely upon the "commanding officer. 'Fortunate' indeed are those conquered people "where the officers set a high standard for their men."

In a review by E. Erbert Norman in Pacific Affairs of December 1943 of Dr. Gustav Eckstein's book "In Peace Japan Breeds War", it is stated : "small wonder that the Japanese soldier ..... runs amock in "China, encouraged by his officer to slaughter, rape and terrorize to "impress the unhappy neighbors of Japan with the 'superiority' of the "Yamato race."

An unpublished official report, issued by the headquarters of the Netherlands Forces in the Far East mentions innumerable atrocities committed by the Japanese in the Netherlands Indies against defenceless women and prisoners of war, excesses, which the Japanese "explain" as necessary in the interest of discipline in the same way as they "excuse" the brutal treatment of civilians by the latters' "lack of respect".

An article in The (London) Times Weekly Edition of 27 December 1944 on the "Guilt of Japan" (for atrocities committed in the course of the construction of the Manpong-Thanbuzavat roadrail link, where more than 20,000 prisoners of war perished) concludes with the words: "The only action possible to Britain and her "allies is to make it clear "that all Japanese who have been concerned with the treatment of "prisoners of war will be brought to strict inquiry; and those whose "conduct does not accord with the claims of common humanity will suffer "the utmost penalty that stern justice can prescribe."

It is to be expected that in the countries of East Asia where the Japanese soldiery and gendarmerie have committed tens of thousands of war crimes against the population very few charges can be drawn up in which the indentity of the authors is so well defined that immediately the war is over their extradition can be demanded and they be put on trial.

It is, however, likely that in many cases it will be possible to obtain immediately information concerning the name and rank of the military or civil Japanese official under whose jurisdiction a war crime or war crimes have been committed.

Apart from the fact whether or not charges should be brought against such an officer or official, he should be considered as a material witness and as such be required to furnish information concerning the real culprits under his command.

The sub-committee therefore recommends that lists be compiled of military and civil persons (including gendarmery) in authority in each occupied district in the Far East, with a view to such persons being held for interrogation as material witnesses after the cessation of hostilities in connection with war crimes committed in these districts.

This would involve that as soon as fighting has ceased a demand can be made for the surrender of a substantial number of Japanese officers and officials for the purpose of inquiry. They would be required to divulge the names of the unknown authors of listed war crimes, the charge against whom could be proceeded with immediately.

The sub-committee has had under consideration the question of responsibility of superiors. It recommends that Japanese officers and officials be charged as war criminals where they are found to have been concerned in the commission of war crimes in their jurisdiction, either by encouraging them, having connived in them or in any other way having shown their responsibility for them.

CHUNGKING, February 15th 1945.

SECRET SM3

MINUTES OF THE THIRD MEETING
OF THE FAR EASTERN AND PACIFIC SUB-COMMISSION
OF THE UNITED NATIONS WAR CRIMES COMMISSION

Time and Place: 4 p.m. Friday, February 2, 1945, at
305 Chung San Road, Chungking.

Representatives Present :

H.E.Dr. Wang Chung-hui (in the Chair) Assisted by Dr. Wang Hua-cheng	China
Mr. George Atcheson, Jr. Assisted by Capt. W. West	United States of America
Mr. Keith Officer	Australia
Monsieur Robert Rothchild	Belgium
H.E.Mr. Stanislav Mirovsky	Czechoslavakia
Monsieur Achille Clarac	France
Major A. Napier	India
H.E. Mr. A.H.J. Lovink	The Netherlands
H.E. Count Alfred Poninski	Poland
Mr. G.V.Kitson	United Kingdom

Also Present : Mr. P.H. Chang, Secretary-General.

At 4 p.m. sharp the Chairman, Dr . Wang Chung-Hui, called the meeting to order and then made the following announcement :-

The Waichiaopu informed the Sub-Commission (on December 29,1944, and on January 18, 1945) that the American Government had appointed the American Ambassador to China General P. Hurley to be its representative and Mr. George Atcheson, Jr., to be its alternative representative on the Far Eastern and Pacific Sub-Commission of the United Nations War Crimes Commission and designated Capt. Willis West, Judge Advocate General in the China War Theatre, to assist the American representative. The Chairman welcomed the co-operation of Capt West who was sitting for the first time.

1. Approval of the Minutes of the Last Meeting.

Reading of the minutes of the Second Meeting was dispensed with and they were approved and subsequently signed by the Chairman.

2. Distribution of copies of London Commission's Records.

Eighty pages of the London Commission's records had been mimeographed and were distributed to each member at the meeting.

3. Dr. Koo's telegram.

The Chairman stated he had heard from Ambassador Koo that Sir Cecil Hurst had resigned and that the British Government had appointed Lord Finlay to be its representative to succeed Sir Cecil. Dr. Koo's telegram also mentioned that the Main Commission decided to elect a new Chairman sometime in February. When notification of his election reached the Sub-Commission, a short telegram of congratulations should, Dr. Wang suggested, be sent to the new Chairman. The following proposed telegram was approved:-

"To The Chairman of the London Commission (name to be added).

On behalf of the Chungking Sub-Commission, I tender to you our hearty congratulations upon your election as Chairman of the Main Commission.

Wang Chung-Hui
Chairman
Chungking Sub-Commission."

4. Secretary-General's report:-

a) Finance. The sum for the Sub-Commission's budget from December 1, 1944, to March 31, 1945, at the total figure of N.C. $590,000- as recommended by the Finance Committee was advanced by the British Embassy through Mr. George Kitson and a banking account in the Sub-Commission's name was opened, with the approval of the Chairman, on January 19, at the Shang Ching Shih Branch of the Central Bank, into which the amount mentioned was paid. From the British Embassy a cheque for 425 Rupees (for purchase of stencils in India through the Waichiaopu) has also been received, which is being held by the Secretary-General to be paid to the Waichiaopu as soon as the bill is delivered. He felt sure that all members of the Sub-Commission appreciated the courteous co-operation of the British Embassy in this matter.

b) Staff. A part-time typist (who works in the Executive Yuan) has been engaged, with the sanction of the Chairman, since January to do typing work at the starting remuneration of N.C. $5000- a month, subject to future revisions. Further appointments will be made when there is more work to do.

5. Examination of cases.

Ten cases of Japanese atrocities (See D4 distributed at the meeting), transmitted to the Sub-Commission by the Chinese National Office, were read by the Secretary-General. Before discussing the cases, the Chairman called the attention of all members present to the following point on page 12 of the distributed copies of the London Commission's records:

"The Chairman (Sir Cecil Hurst) expressed the view, to which no objection was made, that Cases transmitted to the Commission would only be open for examination by the Commission and its staff. They would not be communicated to the Governments."

Thereupon Mr. Keith Officer moved the resolution that since members of the Sub-Commission had to send copies of the minutes to their governments, no details of cases for examination should be recorded in the minutes, which resolution was adopted.

The Chairman then brought up the question of evidence and that of "what constitutes a war crime". He quoted the following remarks of Sir Cecil and Dr. Wellington Koo as recorded on p.6 and p.7 of the distributed copies of the Main Commission's records:-

"Sir Cecil Hurst pointed out that it was not the task of the Commission to collect evidence in the technical sense of the term, but to obtain information. This information would determine whether 'X' should be put on trial..... There were some 10-15 Nations represented on the Commission, each with its own system of courts and evidence. For a common policy there must be some sort of assimilation. The United Kingdom Government recognized that the strict rules of evidence as understood in the United Kingdom could not be adhered to before the proposed Tribunals."

"Dr. Wellington Koo said that the Commission must approach its task from a practical point of view. All war crimes should be punished according to the conscience of humanity. The purpose of the Commission should be to collect information without binding itself to any system of jurisprudence. It would be useful to discuss directives as guides to Governments before they submitted evidence."

A perusal of the London Commission's records, the Chairman added, gave him the impression that there was no need to follow strictly any system of evidence and in the case of war crimes a certain laxity seemed to be allowed in the acceptance or interpretation of evidence. The American view accepts, it was pointed out, as evidence in war crimes anything "which has probative value to a reasonable man". This interpretation shocks some legal experts, but the Commission itself is inclined to accept it as a suitable guiding principle in most cases.

In this connection Captain West expressed his view that the function of the Commission in considering specific cases was similar to the action taken by a common law grand jury which determines whether an accused person will be required to stand trial for a crime. And since the Commission does not actually interview the witnesses, the documentary evidence and proof submitted should be as complete and thorough as the case permits.

On the question of "what constitutes a war crime", the Chairman referred to C.1. of the London Commission (on p.52), annex I of which contains a list of war crimes drawn up by the Paris Peace Conference in 1919. In London, cases presented by the various National Offices are being classified according to this list which is not meant to be exhaustive. The policy is to treat as a war crime any act which is contrary to the laws and customs of war. This method of procedure "will have the further advantage that it will enable particular acts to be added to the list of those to be treated as war crimes from time to time as circumstances may require" (see C.1., paragraph 8).

The Chairman then asked for suggestions concerning the examination of cases. Count Poninski made the proposal, seconded by Mr.K Officer, that a sub-committee of four on facts and evidence should be formed and Mr. Lovink, Dr. Wang Hua-Chong, Mr. Kitson and Capt. West be appointed as members. This proposal was accepted and Mr.Lovink was asked by the Chairman to be the convener.

6. Date of next meeting.

It was tentatively fixed for Friday, February 16. Formal notice will be sent to members as usual.

The meeting adjurned at 5.30 pm.

SECRET

MINUTES OF THE FIFTH MEETING OF THE
FAR EASTERN AND PACIFIC SUB-COMMISSION OF
THE UNITED NATIONS WAR CRIMES COMMISSION

4 p.m. Friday, March 16, 1945,
at 305 Chung San Road, Chungking.

Representatives Present:

H.E. Dr. WANG CHUNG-HUI (in the Chair) assisted by Dr. WANG HUA-CHENG	China
Mr. George ATCHESON, Jr., assisted by Col. E.H. YOUNG and Major . WEST	United States
Mr. Keith OFFICER	Australia
Monsieur Robert ROTHSCHILD (absent)	Belgium
H.E. Mr. Stanislav Hinovsky	Czechoslovakia
Monsieur Achille CLARAC (absent)	France
Major A. NAPIER	India
H.E. Dr. A.N.J. LOVINK	Netherlands
H.E. Count Alfred PONINSKY	Poland
H.E. Sir H. SEYMOUR assisted by Mr. G.V. KITSON	United Kingdom

Also present :

Mr. P.H. CHANG, Secretary-General.

The Chairman called the meeting to order and announced that Monsieur Rothschild could not attend, being in Chengtu on business. Monsieur Clarac was also absent (being also out of town).

1. Approval of Minutes of Fourth Meeting

Minutes of the last meeting were approved without comments or corrections and subsequently signed by the Chairman.

2. Distribution of copies of London Commission's records

Another eighty-one pages (160-240) of the Main Commission's records were distributed to all members at the meeting together with four pages of indexes compiled by the Secretariat.

3. Distribution of reference materials (D.8)

At the recommendation of U.S. Mr. Lovink, an article about the experience of 191 -1922 on the treatment of war crimes and crimes incidental to the war, published in the Bulletin of International News of February 3rd, 1945, by the Royal Institute of International Affairs, was mimeographed and distributed to members of the Sub-Commission (see D.8). The article makes interesting reading and clearly indicates what procedure the United Nations should not follow after the war.

4. Discussion of report of Sub-Committee on Facts and Evidence (D.9)

This report of the Sub-Committee (D.9) was adopted with thanks by the Sub-Commission. The Chairman instructed the Secretary-General to communicate the Sub-Committee's decisions to the Chinese National Office.

P.T.O.

5. Discussion of report of Sub-Committee on Finance (D.10)

The Finance Sub-Committee's report was also adopted. The Sub-Commission decided to submit the sum of £2,500 as its budget for the year April 1, 1945, to March 31, 1946, to the London Commission. The Sub-Commission also authorised the Finance Sub-Committee to make adjustments from time to time about remunerations to the staff.

6. Lists of War Criminals.

Two lists of German and Italian War Criminals were received by the Chairman from London. As extreme secrecy had to be observed about the names, the Chairman did not ask the Secretary-General to mimeograph and distribute the lists, which were merely passed round at the meeting. Any member who wants to consult these lists may ask the Secretary-General (in whose hands they are being kept) to show them to him.

7. Other business

(A) Mr. Officer asked what the position was regarding the submission of cases by the Chinese National Office. He was impressed by the statement in an article in a recent number of the Bulletin of the Royal Institute of International Affairs that one of the difficulties in the way of the trial of war criminals after the last war was that when armistice came, no lists were ready. The London Commission had prepared two lists. This Sub-Commission, at the end of the first quarter of the year, had dealt with not a single case. He felt that the Chairman should impress on the National Office the necessity for the submission without delay of cases. The procedure adopted by the Sub-Committee depended in part on the preparation of lists of enemies accused and witnesses. So much depends on the lists being prepared in advance of the end of hostilities.

The Chairman together with other members entirely agreed in this with the Australian Representative, and instructed the Secretary-General to urge the Chinese National Office to expedite its work so as to ensure a steady flow of cases to the Sub-Committee for examination.

(B) Being obliged soon to leave for the United States on a state mission, the Chairman Dr. Wang Chung-hui, in accordance with Article I, Section 1, of the Rules of the United Nations War Crimes Commission, asked Sir Horace Seymour to act on his behalf during his absence as Chairman of the Sub-Commission, to which request Sir Horace kindly acceded.

(C) The next meeting will be called by the Acting Chairman as business requires.

The meeting adjourned at 5.20 p.m.

SECRET

SM6

MINUTES OF THE SIXTH MEETING OF
THE FAR EASTERN AND PACIFIC SUB-COMMISSION
OF THE UNITED NATIONS WAR CRIMES COMMISSION

Time and Place: 4 p.m. Friday, June 8th, 1945, at 305 Chung San Road, Chungking.

Representatives Present:

H.E. Sir Horace Seymour (in the Chair) Assisted by Mr. C.E. Whitamore	UNITED KINGDOM
Mr. Robert Lacy Smyth Assisted by Maj. West	United States of AMERICA
Mr. Keith Officer	AUSTRALIA
Monsieur Robert Rothschild	BELGIUM
Dr. K.C. Wu Assisted by Mr. Hsu Tuen-Chang	CHINA
Monsieur J. Daridan	FRANCE
Major A. Napier	INDIA
H.E. Mr. A.H.J. Lovink	The NETHERLANDS
H.E. Count Alfred Poninski	POLAND

Also present: Mr. P.H. Chang, Secretary General.

Calling the meeting to order, the Acting Chairman announced that the Czechoslovakian Ambassador having a previous engagement could not attend. Sir Horace then introduced the following new Members and Members' Assistants and welcomed them for their cooperation:

Mr. Robert Lacy Smyth was appointed to take the place of Mr. George Atcheson, Jr., as the American Alternate Representative.

Dr. K.C. Wu was appointed to act as China's Representative during Dr. Wang Chung-Hui's absence and Mr. Hsu Tuen-Chang to serve as his assistant in place of Dr. Wang Hua-Cheng who is also abroad. Dr. Wang Hua-Cheng's place in the Sub-Committee on Facts and Evidence has been temporarily taken over by Judge Cha Liang-Chien.

Monsieur J. Daridan was appointed to be the new Representative of France in place of M. Clarace who has left China.

Mr. C.E. Whitamore was appointed to serve both as the British Representative's Assistant and as the British Member of the Sub-Committee on Facts and Evidence in place of Mr. George Kitson who is also transferred to another post.

1. Approval of minutes of the Fifth Meeting.

Minutes of the last meeting were approved without corrections or comments and subsequently signed by the Acting Chairman.

2. Statement by Chairman of Finance Committee

Sir Horace said that in March he consulted the other members of the Finance Committee about the revision in the remuneration of the Sub-Commission's staff and that they agreed a raise of 20 per cent on the then existing rates of pay would be appropriate. He thought another revision would be necessary soon.

3. Report by the Representative of China about the abolition of the Chinese National Office.

On the 7th June 1945, the Waichiaopu notified the Sub-Commission by letter that the Chinese National Office had been abolished and its work of investigating war crimes had been entrusted to the Ministry of Justice and translation work to the Waichiaopu. Dr. Wu said that after a brief examination, out of about 3,000 cases of war crimes transferred to the Waichiaopu by the National Office, at least about 1,000 seemed quite well-grounded. He expressed the hope that soon there would be a steady flow of cases to the Sub-Commission for examination.

4. Report on certain cases by Committee on Facts and Evidence (See D.11 with two annexes, circulated at the meeting).

As the absence of evidence, on which the identification of the Japanese army units and personnel can be based, prevented the Sub-Committee from making clean-cut recommendations as to the disposal of the four cases in consideration, it was after much discussion decided to refer them to Dr. K.C. Wu, who undertook to do his best to get the particulars still lacking.

5. Lists of War Criminals

Two more lists of German criminals (Lists No. 6 and No. 7) were received and these were passed round at the meeting. They will be kept in the hands of the Secretary-General.

The meeting adjourned at 5.30 p.m. No date has been set for the next meeting.

SECRET S.7

MINUTES OF THE SEVENTH MEETING OF THE
FAR EASTERN AND PACIFIC SUB-COMMISSION
OF THE UNITED NATIONS WAR CRIMES COMMISSION

Time and Place: 4 p.m., Friday, July 27th, 1945, at
305 Chung San Road, Chungking.

Representatives Present

H.E. Sir Horace Seymour (in the Chair) Assisted by Mr. C.E. Whitamore	UNITED KINGDOM
Mr. Robert Lacy Smyth Assisted by Col. Young and Maj. W. West	United States of AMERICA
Mr. Keith Officer	AUSTRALIA
Monsieur Robert Rothschild	BELGIUM
Judge Cha Liang-chien and Mr. Hsu Tan-Chang	CHINA
H.E. Mr. Stanislav Minovsky	CZECHOSLOVAKIA
Monsieur J. Daridan	FRANCE
Major A. Napier	INDIA
H.E. Mr. A.H.J. Lovink	The NETHERLANDS

Also present: Mr. P.H. Chang, Secretary-General.

Sir Horace called the meeting to order and, before proceeding to the items set on the Agenda, made the following two announcements:

(A) Dr. K.C. Wu being too much occupied with the affairs of the Foreign Office, the Chinese Government has appointed the Minister of Justice Mr. Hsieh Kwan-Sheng to be its Representative on the Sub-Commission during Dr. Wang Chung-Hui's absence. Minister Hsieh is unable to attend to-day and has asked Judge Cha Liang-Chien to come and act on his behalf.

(B) A telegram has been received by the Secretary-General from Dr. Wang Chung-Hui, saying that he has during his sojourn abroad requested Minister Hsieh Kwan-Sheng to be the Acting Chairman of the Sub-Commission in the event of Sir Horace leaving Chungking in the near future.

1. Approval of minutes of Last Meeting.

There being no comments and corrections, the minutes of the 6th meeting were approved and subsequently signed by the Acting-Chairman.

2. Distribution of copies of London Commission's records.

Eighty-five pages (pp. 384-468 inclusive) of the London Commission's records were distributed at the meeting together with one page of Index.

3. Report by Chairman of Finance Committee.

Sir Horace Seymour informed the Sub-Commission that the paying rates fixed in March this year for allowances and subsidies to the staff had been increased by 40% from the month of July.

4. Report by Chairman of Committee on Facts and Evidence.

The Sub-Committee on Facts and Evidence received so far 100 charges in all from the Chinese National Office, of which 72 had already been examined and classified. From these 72 charges a total of 84 Japanese from division general to private had been adjudged as war-criminals. (There were 6 cases classified "C" and one case judged as no criminal offence). Minutes of the 5th, 6th and 7th meeting of the Sub-Committee were circulated at the Meeting

The Chairman then asked the Secretary-General to read out aloud the main headings of the 72 charges examined by the Sub-Committee. After some discussion, the Sub-Commission adopted the findings of the Sub-Committee and the Chairman signed the third endorsement on the Transmittal records of all the 72 charges, thereby giving the Secretary-General the authority to have the accused classified A-1, A-2 or B as war criminals.

5. Listing of Japanese War Criminals in key positions.

Ambassador Lovink suggested that the Sub-Commission request the co-operation of the Chinese National Office in endeavouring to induce officers of the Chinese High Command to furnish information of war atrocities committed by ranking Japanese officers. Following this suggestion, Col. Young proposed that the Chinese National Office should make studies and prepare dossiers against key Japanese persons, civilian as well as military, who, because of their high positions in their government, should be regarded just as guilty of war crimes as the others who are now being listed. The Sub-Commission decided that what Ambassador Lovink and Col. Young said should be recorded in the minutes and be brought to the attention of the Chinese National Office.

AMBASSADOR LOVINK: Practically all the 72 cases examined are based on the evidence of civilian eyewitnesses of varied age and intelligence.

In many cases it might have been possible to obtain more elaborate evidence about the criminal behaviour of Japanese troops and their commanders, if the witness had been of a higher intellect and could have understood the importance of his information. Instead of incidental crimes for which privates, sergeants or captains can be held responsible, high ranking officers might have been charged with war-crimes.

That is what we want, because the higher the rank of a Japanese war-criminal, the more chance there is that he will be found, and the more reason and possibility to charge his superior i.e. eventually the Japanese Government; the Japanese arch-criminals in Tokyo.

The Chinese Army has fought the Japanese for eight years. Thousands of Chinese officers of all ranks have been eye-witnesses to the most horrible war-crimes of the Japanese Armies. Hundreds of Chinese officers have seen what happened in Nanking, Hankow and other important cities in China, where murder was the order of the day.

The Chinese High Command is undoubtedly aware of the names of all the high ranking officers of the Japanese Army, Navy and Air Force, who were in command when their soldiers ran wild with their knowledge and their consent.

There is every reason that the Sub-Commission should fully accept every evidence the Chinese High Command might be able to submit of the Japanese crimes.

Would it be possible for the Chinese High Command to detail for a short time a number of Chinese officers of their own choice, who are willing to put in writing what they saw and have experienced, during eight years in various places in China of Japanese war-crimes?

If the Chinese High Command is willing to complete this evidence with the names of all high ranking Japanese military officials, civilians and Kempei ([illegible]) commanders, who can be held either directly or indirectly (classification A-1 or A-2) responsible for their eight years of butchery in China, it could be suggested that the National Office draw up the required charges sheets based on this mass-evidence of the Chinese High Command for each leading criminal.

If by following this procedure a hundred or more of those leading criminals, generals of the army, generals of the Kempei, marshalls of the air force, admirals and possibly high ranking civilians could be listed by the Sub-Commission as war-criminals, it stands to reason that the question could be asked who gave the orders for this butchery and who can be held responsible in the Japanese Government(s) in Tokyo.

These are the Rundstedt s, von Kleist s and Keitels of Japan.

This might bring us to our arch-criminals i.e. Tojo cum suis.

Such a procedure might be far more satisfactory than a theoretical case without actual evidence. All of those arch-criminals might be classified as A-2 cases against named enemy military or civilian personnel, where evidence is sufficiently complete to charge them as having been concerned in the Commission of war-crimes by either having encouraged them, condoned them or in any other way shown their responsibility for them.

When they are tried it might appear to their judges that they are the actual perpetrators.

COL. YOUNG. It has recently come to my attention that at the close of active operations of Europe a great number of leading civilians and governmental officials as well as ranking military and naval leaders, who are now sought as violators of the laws of war, had escaped or were in hiding as a result of their not being listed by the London War Crimes Commission and, therefore, not promptly seized or held as war criminals. Many were able to change their identification, and may continue to avoid arrest, or at least avoid investigation. Many others managed to commit suicide, and thus escape being branded hereafter by history as responsible for the great crimes they ordered or condoned. This Sub-Commission now, at this meeting, after considerable time, has named its first list of war criminals, which, in view of the fact that the war could end quite soon, appears very fortunate. If the hostilities between the Allies and Japan should have ended without any of the large number of the guilty Japanese having been listed, it would certainly have brought severe criticism of this Sub-Commission and

the Chinese National Office. Similarly, it is my opinion that if the Sub-Commission now limits its activities to the listing of only unimportant Japanese military persons, with a relative few higher commanders, and the war now should end suddenly, the peoples of our countries will have a right to criticize us for failing to name any of the arch criminals, including key civilian and military members of the Japanese Government. Accordingly, I propose that this Sub-Commission request the Chinese National Office to make every effort in the near future to present to the Sub-Commission appropriate dossiers or cases against such key Japanese criminals in order that the obvious purpose of this Sub-Commission may be carried out. As we are apparently processing only cases referred by the Chinese Government, it would not appear that this Sub-Commission should appoint special committees to conduct such studies and prepare those cases itself as was done to some extent by the London Commission. Instead, it would seem highly desirable that the Chinese Government, which undoubtedly has specialists and students of the organization of the Japanese Government and the responsibilities of its members, be urged to promptly undertake for itself this problem and expeditiously present such cases to the Sub-Commission. In conclusion, I would like to direct attention to the pertinent portions of the minutes of the London Commission on this subject, in particular, the memorandum on THE CRIMINAL AND PERSONAL RESPONSIBILITY OF THE MEMBERS OF THE GERMAN NAZI GOVERNMENT inserted in C. 88, dated 13 March 1945.

6. Proposed recommendation for the establishment of War Crimes Agencies inside Japanese territory.

Documents C30 and C122 in connection with this subject were read by the Secretary-General before discussion started. The Sub-Commission thought that more time was needed for its consideration and then decided to request Col. Young to make first a special study of the question and then a report at the next meeting.

7. Date of next meeting.

The Acting Chairman announced that the next meeting would take place on Friday, August 3, at 4 pm.

The meeting adjourned at 5:45 pm.

SECRET. SM8

MINUTES OF THE EIGHTH MEETING OF THE
FAR EASTERN AND PACIFIC SUB-COMMISSION
OF THE UNITED NATIONS WAR CRIMES COMMISSION.

Time and Place: 4 p.m., Friday, August 3rd, 1945, at 305 Chung San Road, Chungking.

Representatives Present:

H.E. Sir Horace Seymour (in the Chair) Assisted by Mr. C.E. Whitamore.	UNITED KINGDOM
H.E. General P. Hurley Assisted by Mr. Robert Lacy Smith and Maj. W. West.	UNITED STATES of AMERICA
Mr. Keith Officer	AUSTRALIA
H.E. Minister Hsieh Kwan-sheng Assisted by Judge Cha Liang-chien and Drs. Wang Hua-cheng and Yang Yuen-tsu	CHINA
H.E. Mr. Stanislav Minovsky	CZECHOSLOVAKIA
Major A. Napier	INDIA
H.E. Mr. A.H.J. Lovink	The NETHERLANDS

Also present: Mr. P.H. Chang, Secretary-General.

1. Approval of Minutes of Last Meeting.

Minutes of the 7th Meeting of the Sub-Commission were approved without comments or corrections and signed by the Acting Chairman.

2. Appointment of Assistant-Secretary.

In view of the increasing amount of work to be done in the Secretariat, the Sub-Commission appointed Mr. Chen Shih-chang, Compiler of the Executive Yuan, to be an Assistant-Secretary, doing part-time work under the direction of the Secretary-General.

3. Report of Dr. Wang Hua-Cheng on the United Nations War Crimes Conference.

At the request of the Acting Chairman, Sir Horace, Dr. Wang Hua-Cheng who recently returned from London made to the Sub-Commission about the United Nations War Crimes Conference a brief report as follows:-

The United Nations War Crimes Conference was held in the King's Bench, Royal Courts, London, from May 31st, to June 4th, 1945, under the Chairmanship of Lord Wright. Fourteen Countries were represented either by specially appointed delegates or by their Members on the Main Commission. In addition, there were the representatives of S.H.A.E.F., the American 12th Army and Judge Jackson.

There were altogether 6 general meetings held between Members of the Main Commission and representatives of national offices and 4 committee meetings held among the representatives themselves. The subjects taken up in the general meetings are:

1. ...

1. Report on the activities of the Main Commission and the national offices.
2. Establishment and maintenance of a central recording office and pooling of information on war crimes.
3. Uniform indexing system and use of uniform machine records.
4. Question of surrender of criminals demanded by several States.
5. Question of Key Criminals not yet accused by any national office.
6. Establishing close contact between the commission and the national offices.

After these 6 general meetings, Representatives of National offices met in a committee for the purpose of drawing up some formal recommendations. Some of the representatives objected on the ground that the Conference was called merely for the purpose of exchanging views and information and that they have no authority to go beyond that limit. Finally, the committee merely summarized the opinions expressed (see D 12 attached here) in the Conference and presented them to the Main Commission for consideration on the understanding that they are not binding on any party concerned.

In view of the fact that great deal of difference of opinion existed in the committee, and that many of the above proposals involve a fundamental change in the authority of the Main Commission which can be brought about only by diplomatic agreement, chances for the Main Commission to act on the summarized opinions are not very great.

4. Report of the Chairman of Committee on Facts and Evidence.

Ambassador Lovink reported that the Sub-Committee met again on August 2, examined 36 charges (namely charges.No. 73-108 inclusive) and classified them all with the exception of Charge No. 98, which has been held over for the next Sub-Committee meeting. From these 35 newly classified charges, another 46 Japanese had been adjudged as war criminals. (There were two charges classified as "C").

Sir Horace then requested the Secretary-General to read out aloud the main headings of these 35 charges examined by the Sub-Committee such as name of the accused, his rank or unit, nature of crime committed, when and where committed, the classification, etc. Subsequently the Sub-Commission adopted the findings of the Sub-Committee and the Chairman signed the third endorsement on the Transmittal Records of the 35 Charges, thus giving the Secretary-General the authority to have the accused classified A-1, A-2, or B listed as war criminals. Up-to-date there is a total of 130 names which will all go into the First List to be printed soon by the Sub-Commission (within a few days).

5. Proposed recommendation for the establishment of War Crimes Agencies inside Japanese territory.

Col. Young, who was requested to make a report on this subject at the last meeting, was absent at this one and Maj. West made some brief remarks on his behalf to the effect that after due consideration he was in favour of accepting the suggestion made. The Sub-Commission finally agreed to accept it and the Chairman told the Secretary-General to write and inform Dr. K.C. Wu in reply to his inquiry that the Sub-Commission cordially endorsed the proposal as set out in C122.

6. Date of next meeting.

The next meeting will take place on August 17th, Friday, at 4 p.m.

The meeting adjourned at 5.45 p.m.

SECRET

S.19

MINUTES OF THE NINTH MEETING OF THE
FAR EASTERN AND PACIFIC SUB-COMMISSION
OF THE UNITED NATIONS WAR CRIMES COMMISSION

Time and Place: 4 p.m., Friday, August 17th, 1945, at 305 Chung San Road, Chungking.

Representatives Present:

H.E. Minister Hsieh Kwan-sheng (in the Chair) Assisted by Director Y.T. Yang	China
Mr. Robert Lacy Smyth Assisted by Col. Young and Maj. W.West	United States of AMERICA
Mr. Keith Officer	AUSTRALIA
Monsieur Robert Rothschild	BELGIUM
H.E. Mr. Stanislav Hinovsky	CZECHOSLOVAKIA
Monsieur J. Daridan	FRANCE
Major A. Napier	INDIA
H.E. Mr. A.H.J. Lovink	The NETHERLANDS
Mr. C.E. Whitamore	UNITED KINGDOM

Also present: Mr. P.H. Chang, Secretary-General.

1. Approval of minutes of Last Meeting

The Acting Chairman called the meeting to order and asked for comments or corrections of the minutes of the last meeting. It was pointed out that some remarks made by Judge Cha at the last meeting were left out and the Sub-Commission decided to add the following item to the minutes of the 8th meeting:

"7. Report of Judge Cha

Referring to Item 5 of the minutes of the 7th meeting concerning the suggestion that the National Office should induce officers of the Chinese High Command to furnish information of war atrocities committed by ranking Japanese officers, Judge Cha on behalf of the Chinese Representative reported that the National Office was greatly in favour of the idea and had taken steps to act upon it."

There being no other comment, the minutes of the 8th meeting were adopted and subsequently signed by Minister Hsieh.

2. Distribution of copies of London Commission's records.

Sixty pages of the London Commission's records (pp. 469-528) were distributed at the meeting to all Members.

3. Distribution of Sub-Commission's First List of Japanese War Criminals

The Sub-Commission's First List of Japanese War Criminals containing 127 names was printed and one copy was given to each Member at the Meeting. Additional copies as required by Members would be sent by the Secretary-General later. The Sub-Commission also requested Col. Young to forward copies to the American High Command and Mr. Whitamore to do the same to Admiral Lord Mountbatten. The Secretary-General was asked to send some copies of the List to the Chargé d'Affaires of the Soviet Embassy to be forwarded to the Russian High Command, and some copies to the Chinese High Command.

At the suggestion of the Acting Chairman, the Sub-Commission decided to put on record the splendid co-operation of Col. Young and Maj. West, which contributed so much to the early printing of the List.

4. Report by Chairman of Committee on Facts and Evidence.

Ambassador Lovink reported that the Sub-Committee met on August 9 and classified charges Nos. 109-128. With the exception of Charges 122 and 124 which were classified "C", the others were A-1, A-2 or B cases. A brief list of the Sub-Committee's findings was circulated to Members before the meeting and the Sub-Commission adopted them without comments. Thus another 22 names can now go to the Second List of Japanese War Criminals.

5. Telegram to Main Commission reporting progress of work.

It was decided to dispatch the following cablegram through the Waichiaopu under the signature of the Acting Chairman:-

August 17, 1945.

"CHAIRMAN OF UNITED NATIONS WAR CRIMES COMMISSION
CARE OF SINOEMBASSY LONDON

CONCERNING PROGRESS OF WORK OF SUBCOMMISSION ALL FACTS WORTH REPORTING WERE RECORDED IN MINUTES ALREADY SENT TO YOU OF NINE MEETINGS HELD SO FAR STOP I BEG INFORM YOU ONE FIRST LIST OF JAPANESE WAR CRIMINALS CONTAINING ONE HUNDRED TWENTYSEVEN NAMES ALREADY PRINTED AND COPIES BEING SENT TO YOU THROUGH WAICHIAOPU TWO SUBCOMMISSION EXPECTS SHORTLY RECEIVE FROM CHINESE NATIONAL OFFICE LIST ALREADY PREPARED OF JAPANESE MAJOR WAR CRIMINALS WHICH CONTAINS OVER TWO HUNDRED NAMES INCLUDING SOME HUNDRED SEVENTY OFFICERS FROM ARMY SOME TEN FROM NAVY SIX FROM AIRFORCE AND FORTY ODD FROM OFFICIALS IN KEY POSITIONS THREE SUBCOMMISSION WORKING HARD STOP HSIENKWANSHENG ACTING CHAIRMAN"

The above message was dispatched immediately after the meeting.

6. Forms to be followed in listing Japanese War Criminals holding key positions.

It was suggested that in preparing the list of Japanese major war criminals the Chinese National Office should follow the same pattern as used in Lists 7 and 9 printed by the Main Commission. The preparation of this list was regarded by the Sub-Commission as a matter of extreme urgency; it was proposed to call the attention of the National Office to this. These suggestions were adopted.

7. Date of next meeting.

The next meeting will be held on Friday, August 31st, 1945, at 4 p.m., at the usual place. No more notice will be given.

The meeting adjourned at 5.25 p.m.

SECRET SM10

MINUTES OF THE TENTH MEETING OF THE FAR EASTERN AND PACIFIC SUB-COMMISSION OF THE UNITED NATIONS WAR CRIMES COMMISSION.

Time and Place: 4 p.m., Friday, August 31st, 1945, at 305 Chung San Road, Chungking.

Representatives Present:

H.E. Minister Hsieh Kwan-sheng (in the Chair) CHINA

Mr. Keith Officer	AUSTRALIA
Monsieur Robert Rothschild	BELGIUM
H.E. Mr. Stanislav Minovsky	CZECHOSLOVAKIA
Major A. Napier	INDIA
Mr. van den Berg	The NETHERLANDS
Mr. Robert Lacy Smyth Assisted by Maj. W. West	United States of AMERICA
Mr. C.E. Whitamore	UNITED KINGDOM

Also present: Mr. P. H. Chang, Secretary-General.

1. Approval of minutes of last meeting.

There were no comments or corrections. The minutes of the 9th meeting were adopted and signed by the Acting Chairman Minister Hsieh.

2. Distribution of copies of London Commission's records.

Sixty pages of the London Commission's records (pp. 529-588) together with one page of Index were distributed at the meeting to all Members for their reference.

3. Distribution of copies of the First List of Japanese Major War Criminals (pp. 1-17) submitted by the Chinese National Office.

Copies of this List containing a hundred names were distributed at the meeting. It was thought that the Sub-Committee would be over-burdened if this List were referred to it for study and recommendation. After some discussion, it was decided that every Member present should bring the List back and make a study first so that they could be in a better position to comment about it at the next meeting.

4. Report by Chairman of Committee on Facts and Evidence.

Mr. van den Berg reported on behalf of H.E. Mr. Lovink that cases Nos. 129-176 were examined by the Sub-Committee and classified, a list of which had been sent to every Member by the Secretary-General. There were five "C" cases and the others were A-1, A-2 or B cases. The Sub-Commission adopted the findings of the Sub-Committee. Fifty-six more names can now be added to the Second List of Japanese War Criminals.

5. Date of next meeting.

The next meeting will be held at the usual place on September 7th, at 4 pm. No further notice will be given.

The meeting adjourned at 4:45 pm.

SECRET SM11

MINUTES OF THE ELEVENTH MEETING OF THE FAR EASTERN AND PACIFIC SUB-COMMISSION OF THE UNITED NATIONS WAR CRIMES COMMISSION.

Time and Place: 4 p.m., Friday, September 7th, 1945, at 305 Chung San Road, Chungking.

Representatives Present:

H.E. Mr. Lovink (in the Chair)	NETHERLANDS
Dr. Wang Hua-Chong	CHINA
Mr. Keith Officer	AUSTRALIA
M. de Montousse	FRANCE
Major A. Napier	INDIA
Mr. Robert Lacy Smyth Assisted by Maj. W. West	United States of AMERICA
Mr. C.E. Whitemore	UNITED KINGDOM

Also present: Mr. P. H. Chang, Secretary-General.

1. Approval of minutes of last meeting.

The minutes of the 10th meeting of the Sub-Commission were adopted and signed by the Acting Chairman H.E. Mr. Lovink (Dr. Wang Chung-Hui being unable to attend on account of illness), subject to the deletion of the following sentence in item 3:-

"It was thought that the Sub-Committee would be over-burdened if this List were referred to it for study and recommendation."

2. Report by Chairman of Committee on Facts and Evidence.

The Sub-Committee met on September 3 and classified charges No. 98 and Nos. 177-224. There were three "C" cases and the others were A-1, A-2 or B cases. A copy of the findings of the Sub-Committee was sent to each Member before the meeting and the Sub-Commission adopted them without comments. Fifty-four more names can now be put in the Second List of Japanese War Criminals, which when printed next week, will contain a total of 132 names.

3. Discussion of the First List of Japanese Major War Criminals containing one hundred names, submitted by the Chinese National Office at the last meeting.

After a long discussion, the Sub-Commission came to the decision that twelve of these hundred charges as they were could not be included in this List, which should be returned to the National Office for further details or for inclusion in the ordinary list. Maj. West was requested to make investigations concerning some of the charges involving the use of poisonous gases. The Sub-Commission agreed that subject to slight modifications in the wording in one or two sentences the remaining 88 charges should be printed at once in a list under the title of "First List of Japanese War Criminals Holding Key Positions" and with the following introduction:

"THE SUBCOMMISSION LISTS THE FOLLOWING INDIVIDUALS IN KEY POSITIONS AGAINST WHOM THERE IS IN ITS OPINION SUFFICIENT EVIDENCE TO JUSTIFY THEIR DETENTION FOR PROSECUTION AS WAR CRIMINALS".

SECRET SM12

MINUTES OF THE TWELFTH MEETING OF THE
FAR EASTERN AND PACIFIC SUB-COMMISSION
OF THE UNITED NATIONS WAR CRIMES COMMISSION

Time and Place: 4 p.m., Friday, September 21st, 1945, at 305 Chung San Road, Chungking.

Representatives Present:

H.E. Dr. Wang Chung-Hui (in the Chair) Assisted by Dr. Wang Hua-Cheng	CHINA
Mr. Robert Lacy Smyth Assisted by Col. Young and Maj. W. West	United States of AMERICA
Mr. Keith Officer	AUSTRALIA
H.E. Mr. Stanislav Minovsky	CZECHOSLOVAKIA
Monsieur Brethes	FRANCE
Mr. Mennon	INDIA
Mr. van den Berg	The NETHERLANDS
Mr. C.E. Whitamore	UNITED KINGDOM

Also present: Mr. P. H. Chang, Secretary-General.

Having called the meeting to order, and having introduced Minister van den Berg and Monsieur Brethes who attended the meeting on behalf of Ambassador Lovink and M. Daridan respectively, the Chairman made the following remarks:-

"I regret very much that for several months I was obliged to be away from Chungking and therefore was unable to take part in the work of our Sub-Commission. Now that I have returned, I am happy to learn of the progress of the Sub-Commission's work, for which I wish to thank you all. On September 7th, the Waichiaopu sent to our Secretary-General a letter, asking him to inform the Sub-Commission that Sir Horace Seymour, owing to the pressure of other matters, resigned from the Chungking Sub-Commission and Mr. C.E. Whitamore, Consul-General at Chungking, will now act as the British representative. I would like to take this opportunity of thanking Sir Horace very sincerely for the invaluable assistance which, in common with other members of the Sub-Commission, I have always received from him. No doubt you will agree with me, if I say that his advice and guidance were especially valuable when he was acting as Chairman during my absence. Mr. Whitamore who has already worked with us for so long is no stranger to us and so requires no introduction. We all hope that he will give us the same co-operation as Sir Horace did before him."

He then proceeded to the items on the Agenda.

1. Approval of Minutes of the 11th meeting.

The minutes of the last meeting were adopted without comments or corrections and signed by the Chairman.

2. Report by Chairman of Committee on Facts and Evidence.

Mr. van den Berg, acting on behalf of Ambassador Lovink, reported that the Committee met on September 13 and classified charges 225-272. Among these charges were a number of cases against unknown accused. From the charges themselves, it was evident that although the crimes were actually committed by the unnamed accused, certain officers in command were considered to be responsible. The question therefore arose whether the Committee should only list the unnamed accused mentioned on the transmittal records, or also classify the officers named in the charges. Up to the month of September charges against unknown accused had been very few and then no other persons were mentioned in connection with their cases. There had been cases, though, where evidence had been taken from Japanese prisoners of war who had actually taken part in the commission of crimes, for which only their superiors had been charged. In these cases, upon the evident admission of these prisoners that they had perpetrated the crimes, the Committee had added the names of these prisoners to those of the accused. The names of these prisoners had in such cases been added on the transmittal records. By doing so the Committee intended to draw the attention of the National Office to what it considered an evident oversight. But in the cases which came up at the present meeting, some members of the Committee felt that by adding the names of responsible officers not mentioned in the transmittal records, the Committee would encroach upon the work of the National Office in bringing charges. However, in certain cases it appeared so evident from notes of the charges that it was the intention of the National Office to list also the responsible officers in addition to the unknown accused that the Committee agreed the names of these officers should be added on the transmittal records and classified according to their degree of responsibility as shown in the charges. This question was thus brought up for discussion at the Sub-Commission's meeting so that in future the National Office should take these considerations into account and follow a consistent procedure as far as this category of charges was concerned.

After some discussion, the Sub-Commission adopted the findings of the Committee and 71 more names from charges 225-272 will now be printed in a new list of Japanese War Criminals.

3. Discussion of Revised Second List of Japanese War Criminals Holding Key Positions (pp. 18-24) submitted by the National Office on September 20, 1945.

This second list contains 34 charges, 101-134, with thirty-four names. After Members were given time to read the list over, discussion followed, in the course of which Maj. West reported that it was established beyond doubt that poisonous gases were used by the Japanese in the China War Theatre. It was then proposed that charges Nos. 20, 21, 23, 24, 25, and 29 from the First List of Japanese War Criminals Holding Key Positions submitted by the National Office, which charges were not passed by the Sub-Commission at its last meeting, should now be included in this Second List. The Sub-Commission finally decided to adopt the Second List together with the seven additional names, (a total of forty-one names), which will be printed next week.

In connection with the cases of key criminals, the Sub-Commission also decided to be guided by the following list of charges agreed upon at the recent conference at London:-

WHAT CONSTITUTED A WAR CRIME

Three categories were established, all punishable by death:

(a) Crimes against peace; i.e., planning, preparing, initiating and waging wars of aggression or wars in violation of international treaties or agreements.

(b) Violation of the laws and customs of war; i.e. maltreatment of prisoners and of civilians in occupied countries, murder of hostages, plundering, wanton destruction of cities or devastation not justified by Military needs.

(c) Crimes against humanity; i.e. murder, extermination, enslavement, deportation, or persecution on political, racial or religious grounds in the execution of or in connection with any crime within the jurisdiction of the tribune.

4. Date of next meeting.

The next meeting will be held on September 28 at 4 pm at the usual place. No further notice will be given.

The Meeting adjourned at 5:30.

SECRET SM13

MINUTES OF THE THIRTEENTH MEETING OF THE
FAR EASTERN AND PACIFIC SUB-COMMISSION
OF THE UNITED NATIONS WAR CRIMES COMMISSION

Time and Place: 4 p.m., Friday, September 28th, 1945, at 305 Chung San Road, Chungking.

Representatives Present:

H.E. Dr. Wang Chung-Hui (in the Chair) Assisted by Dr. Wang Hua-Cheng	CHINA
Mr. Robert Lacy Smyth Assisted by Maj. W. West	United States of AMERICA
Mr. Stokes	AUSTRALIA
Mr. Mennon	INDIA
H.E. Mr. A.H.J. Lovink	The NETHERLANDS
Mr. C.E. Whitamore	UNITED KINGDOM

Also Present: Mr. P. H. Chang, Secretary-General.

At 4 p.m. the Chairman called the meeting, to order and introduced Mr. H. Stokes, attending the meeting for the first time on behalf of Mr. K. Officer who left for Shanghai on business. The Chairman also informed the Sub-Commission that Ambassador Minovsky regretted very much for being unable to attend.

1. Approval of Minutes of the 12th meeting.

Minutes of the 12th meeting were adopted without corrections and subsequently signed by the Chairman.

2. Report by Chairman of Committee on Facts and Evidence.

Ambassador Lovink reported that the Sub-Committee met on September 24, and classified charges Nos. 273-320, with the exception of Charge No. 280, which was referred back to the National Office. The Sub-Commission adopted the findings of the Sub-Committee without any comments. Seventy-two names from these charges in addition to the seventy-one names from charges Nos. 225-272 passed at the previous meeting will now be printed together in List No. 5.

3. Report by Dr. Wang Hua-Cheng.

Dr. Wang reported on behalf of the National Office that a third list of Japanese War Criminals holding key positions, containing 48 names (of men who were Japanese government officials, financiers, writers), which had been prepared and submitted to the Generalissimo for approval. As soon as it is approved, it will be sent to the Sub-Commission.

4. Suggestion of bringing charges against certain retired Japanese Army and naval superior officers for agitation of aggression.

The Netherlands Ambassador drew the attention of the Sub-Commission to the activities before and during the Pacific War of the very influential group of retired Japanese army and naval superior officers in agitating for an aggressive war in East Asia against China and Western powers in order to conquer that part of the world and eventually reach world domination. This group of officers, who organized

themselves in all kinds of nationalistic organizations, left nothing undone to stir up hatred against the Allied Powers by word and deed. Their associations were hotbeds of aggression, where the coming war was glorified and those countries that were to be destroyed insulted and besmearched.

Numerous are their publications and articles in which these retired officers called upon the Japanese nation and its people to embark upon a glorious war of conquest and destruction of everybody who would resist Japan's armed forces in their march to domination of all peoples in East Asia for the construction of "a co-prosperity sphere in which everybody could bask in the benevolent rays of the God-Emperor."

Most of these officers played an important role in the Zaigo-gunnjin-kai, the "Reservists Union", the members of which were even more militaristic and aggressive than those members of the armed forces in active service. Being on the reserve list, they could air their extremist views freely in Japanese newspapers and periodicals.

The Ambassador mentioned, for instance, Lt. General Yanagawa Heisuke, Lt.General Suzuki Teiichi, Admiral Takahashi Sankichi, and Vice-Admiral Sosa Taneji; all of these wrote numerous articles extolling the co-prosperity sphere, and spreading hatred and contempt for the Allies.

The Sub-Commission decided to call the attention of the National Office to the foregoing remarks of Ambassador Lovink.

5. Date of the next meeting.

The 14th meeting will be held on Friday, October 12, at 4 p.m. at the usual place. No further notice will be given.

The meeting adjourned at 5:15 p.m.

themselves in all kinds of nationalistic organizations, left nothing undone to stir up hatred against the Allied Powers by word and deed. Their associations were hotbeds of aggression, where the coming war was glorified and those countries that were to be destroyed insulted and besmearched.

Numerous are their publications and articles in which these retired officers called upon the Japanese nation and its people to embark upon a glorious war of conquest and destruction of everybody who would resist Japan's armed forces in their march to domination of all peoples in East Asia for the construction of "a co-prosperity sphere in which everybody could bask in the benevolent rays of the God-Emperor."

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The Sub-Commission decided to call the attention of the National Office to the foregoing remarks of Ambassador Lovink.

5. Date of the next meeting.

The 14th meeting will be held on Friday, October 12, at 4 p.m. at the usual place. No further notice will be given.

The meeting adjourned at 5:15 p.m.

MINUTES OF THE FOURTEENTH MEETING OF
THE FAR EASTERN AND PACIFIC SUB-COMMISSION
OF THE UNITED NATIONS WAR CRIMES COMMISSION

Time and Place: 4 p.m., Friday, October 12th, 1945, at 305 Chung San Road, Chungking.

Representatives Present:

H. E. Dr. Wang Chung Hui (in the Chair)	CHINA
Mr. Robert Lacy Smyth Assisted by Maj. W. West	United States of AMERICA
Mr. Keith Officer	AUSTRALIA
H.E. M. le Baron Delvaux de Fenffe	BELGIUM
M. Emmanuel Mazac	CZECHOSLOVAKIA
Captain Sathe	INDIA
Dr. van Gulik	The NETHERLANDS
Mr. C.E. Whitamore	UNITED KINGDOM

Also Present: Mr. P. H. Chang, Secretary-General.

Having called the meeting to order, the Chairman announced the presence of the Belgian Ambassador and expressed hearty welcome and appreciation for his cooperation. The Chairman received from the Netherlands Ambassador a letter, saying that he had to leave for India for a short visit and that on account of the absence of his assistant Minister-Counsellor van den Berg who left for Shanghai, Dr. van Gulik will now take his place. Ambassador Minovsky and Mr. Mennon were both prevented from coming and sent M. E. Mazac and Captain Sathe to attend on their behalf. The Chairman thanked Dr. van Gulik, Mr. Mazac and Captain Sathe for their attendance.

1. Approval of last meeting's minutes.

The Minutes of the 13th meeting were approved without corrections and signed by the Chairman.

2. Distribution of copies of London Commission's records.

Forty pages (pp.589-628) of the Main Commission's records were distributed to each Member at the meeting for study and reference.

3. Report of Committee on Facts and Evidence.

Dr. van Gulik reported on behalf of Ambassador Lovink that the Sub-Committee examined and classified Charges No's. 321 - 392 which contain 117 names. These will be printed in List no. 6 next week.

4. Provisional list of Japanese war Criminals in Hainan, whose arrest is urgently desired by Australian Military Authorities, (See Annex D.13).

After some discussion, the Sub-Commission felt that there was enough evidence from the letter of the Australian Representative to show that the Japanese named in the list were war criminals and decided to put their names in List No.6 which will soon be printed by the Sub-Commission.

5. Report by Maj. West

Major West reported to the Sub-Commission that the Chinese military authorities were presently considering the preparation of a plan for the apprehension, segregation, and trial of Jap war criminals in China. Upon the request of the Chief of Staff of the U.S. Army Major West was

detailed to work with members of the Chinese-American Joint Staff and give such assistance and advice as he had available concerning the preparation of this plan. He stated that the whole program of segregation of the war criminals now held by the Chinese unit commanders would be worked out within the next few weeks. Thereafter it would only be a short time before the screening of Jap war prisoners would result in the identification and segregation of a large number of Japanese war criminals already listed by the Sub-Commission. He suggested that it would be wise if other countries having lists of war criminals and suspects would submit such lists to the Sub-Commission for later transmittal to Chinese commanders in the field, who could take the necessary steps to apprehend the wanted persons. He explained that it was urgent that immediate and decisive action be taken at this time by the Chinese military authorities, since plans are being developed to repatriate Japanese military and civilian personnel to Japan. If prompt action is not forthcoming, it would be quite possible that a large number of war criminals may be repatriated before they are properly identified, and upon reaching their homeland would be able to conceal their identity.

6. Lists of suspects wanted by the S. E. A. C. Theatre.

Mr. Whitamore brought three lists of suspects (Nos. 163, 169 and 170) wanted by the S.E.A.C. Theatre. Similar lists had already been sent to Maj. West. The Sub-Commission decided to circulate these lists to the Chinese and American High Command for the apprehension of those named therein.

7. Date of next meeting.

The next meeting will take place on Friday, October 26, at 4 pm. No further notice will be given.

The meeting adjourned at 5:00 pm.

ANNEX

D.13

Australian Legation,
CHUNGKING

8th October, 1945.

Dear Dr. Wang,

I send herewith a provisional list of Japanese war criminals whose arrest is urgently desired by the Australian military authorities, since they are regarded as responsible for the deaths and ill-treatment of a number of Australian prisoners of war in the BAKLI (Pei-li) coastal district of Western HAINAN island in 1942-45.

2. (a) Colonel AOYAMA, Commandant BAKLI (Pei-li) District.
(b) Captain T. KANO, Senior Medical Officer BAKLI District.
(c) Captain SHIMMURA, Paymaster and Quartermaster of the same district.
(d) Lieutenant HIRATA, Assistant to (c) SHIMMURA above.
(e) Corporal OBARA, N.C.O.-in-Charge of Rations and Issues BAKLI P.O.W. Camp.

These five officers and N.C.O. were all members of the Naval Landing Party (Marine Corps) in the BAKLI District, Western Hainan in 1945 and were all still there when the surviving P.O.W. left at the end of August. They are held responsible for the deaths of 15 Australians who died of starvation and malnutrition in March-June, 1945.

3. Colonel TAHARA (of the same Naval Landing Party Unit.)
W/O OKABAYASHI (" " " " " " ")

These officers were held responsible for the deaths of 9 men and wounding of 5 others on 8th April, 1944. It is beleived they were still on Hainan Island in 1945.

4. Lieutenant YOSHIDA (of the same Naval Landing Party.)
W/O FUKUNAGA (" " " " " ")

Both these men were still in Hainan at the end of August 1945. They were held responsible for the injury and disablement of a number of P.O.W's who were severely beaten up (broken legs and arms, etc.) between 11th - 15th March, 1945.

5. CHEN TZE PING, Chinese interpreter attached to the Naval Landing Party. Guard in charge of P.O.W. Camp BAKLI Bay, 1943-45. He was still on the island at the end of August, 1945.

6. In addition to the foregoing members of the Naval Landing Party whom we definitely know to be in Hainan Island at the end of August, 1945; the undermentioned personnel of the same unit are also required as war criminals. In the event of their having already left the island it is requested that information as to their present whereabouts, or at any rate the place to which they were transferred, may be obtained from the Japanese Naval Landing Party Headquarters, or some of the A/M. officers who must be aware where they went.

(a) Colonel KAWAHARA, Commandant BAKLI BAY (Pei-li) P.O.W. Camp, November, 1944.
(b) Major KIKUCHI, Senior Medical Officer BAKLI P.O.W. Camp, September, 1943; believed returned Japan in March, 1945.
(c) Captain KONDO, O.C. Naval Landing Party, November, 1942. Left in 1943.
(d) 2nd Lieut. TAKAI, Naval Landing Party. P.O.W. Guard in 1942-43.
(e) Quartermaster and Paymaster YAJIMA, Present in 1943.

7. The Australian military authorities already possess statements of evidence taken on oath against all the forementioned Japanese Naval Landing Party personnel in the BAKLI District of Hainan 1942-45, proving that they were responsible for the deaths or ill-treatment of the P.O.W's concerned and these will be produced at their trial. Many of the Netherlands prisoners of war were also killed or ill-treated by these same individuals and evidence to this effect can doubtless be obtained from the Netherlands authorities in due course. Meanwhile, the Australian military authorities would be very grateful if you would use your good offices for the immediate arrest and detention in custody by the Chinese military authorities of such of these war criminals as are still on Hainan Island, pending an agreement as to their handing over or extradition between the British, Australian and Chinese Governments.

With kind regards,

Yours sincerely,

Keith Officer

(Signed)

SECRET SM15

MINUTES OF THE FIFTEENTH MEETING OF THE
FAR EASTERN AND PACIFIC SUB-COMMISSION
OF THE UNITED NATIONS WAR CRIMES COMMISSION

Time and Place: 4 p.m., Friday, October 26th, 1945, at 305 Chung San Road, Chungking.

Representatives Present:

H.E. Dr. Wang Chung-Hui (in the Chair) Assisted by Dr's. Wang Hua-Cheng and Dison Poe	CHINA
Mr Robert Lacy Smyth Assisted by Maj West and Capt. Bailey	United States of AMERICA
Mr H. Stokes	AUSTRALIA
H.E. M. le Baron Delvaux de Fenffe	BELGIUM
Monsieur Brethes	FRANCE
Capt. Sathe	INDIA
H.E. Mr. Lovink	NETHERLANDS
Mr. Lamb	UNITED KINGDOM

Also present: Mr. P.H. Chang, Secretary-General.

Having called the meeting to order, Dr. Wang welcomed those who attended the meeting for the first time: Mr. L.H. Lamb now taking the place of Mr. Whitamore who left for Tientsin, Dr. Dison, H.F. Poe taking the placé of Director Yang Yun-Tsu who resigned as one of the assistants of China's Representative, and Capt. Bailey who attended the meeting as a visitor.

1. Approval of Minutes of the 14th Meeting.

Minutes of the last meeting were approved without corrections and signed by the Chairman.

2. Distribution of copies of the London Commission's records.

Forty more pages (pp. 629-669) of the Main Commission's records were mimeographed and copies were distributed to each Member at the meeting together with one page of Index.

3. Distribution of copies of List No. 6 of Japanese War Criminals.

Copies of List No.6 were distributed at the meeting to every Member as required.

4. Report by Chairman of Committee on Facts and Evidence.

Ambassador Lovink reported that the Sub-Committee met on October 22nd and classified Charges Nos. 393-424, with the exception of Charge No. 410 which had to be referred back to the Chinese National Office, as it found the charge too general to warrant classification. These charges contain 45 names. The Sub-Commission adopted the findings of the Sub-Committee and authorised the Secretary-General to hold this list of 45 names for the time being as it was not of sufficient size to be printed in a new list.

5. Distribution of List of Japanese War Criminals submitted by H.E. the French Ambassador. (See Annex D 14)

After some discussion, the Sub-Commission decided to pass this

list and classify the cases therein as "B", pending the supply of further evidence and details from the French Embassy. When the next list of Japanese war criminals is printed, it should include the names of this one submitted by the French Ambassador.

6. List of Japanese war criminals wanted by the U.S. Government.

Major W. West brought before the Sub-Commission a list of 218 Japanese war criminals and material witnesses who are wanted by the U.S. Government and subject to immediate capture and detention by the Allied Powers. For the purpose of gaining time, the Sub-Commission, after much deliberation, decided not to refer the list to the Sub-Committee for examination and passed it without classification. Copies of this list were distributed to Members at the meeting as List No. 7.

7. List of Japanese war criminals submitted by the Australian Member.

Mr. H. Stokes on behalf of the Australian military authorities submitted a short list of Japanese war criminals extracted from a number of statements by Australian officers and other ranks about war crimes received from Major West of the U.S. Judge Advocate's Office. Major West said that names in this list were probably all covered in the list he brought up, which the Sub-Commission had just passed as List No.7. The Secretariat was instructed to check this over and to include any name not thus covered in the Sub-Commission's next list.

8. Departure of Major West.

The Chairman announced that Major West was soon to leave Chungking, as he had been transferred to work in Shanghai. Both Dr. Wang and Ambassador Lovink, as Chairman of the Sub-Committee, expressed great appreciation of Major West's cooperation and wished him God-speed. The Secretary-General joined them in thanking Maj. West, expecially for the assistance he gave in the printing of the Sub-Commission's lists. Arrangement has been made so that Maj. West will continue to render that assistance. Mr. Robert Smyth will inform the Chairman Dr. Wang as to who will replace Major West as the American member to sit on the Sub-Committee on Facts and Evidence.

9. Date of next meeting.

The next meeting of the Sub-Commission will take place on Friday, November 9, at 4 pm at the usual place. No more notice will be given.

The meeting adjourned at 6 pm.

ANNEX — List of Japanese military men who committed war crimes in Indo-China. — D.14

Name	Nature of crime	date and place
Maj. Nato	murder of two bishops, of the receiver of Customs, of the chief of Education Board, of the head of a convent, and of several other Europeans	March-April 1945 at Thakket
Maj. H. Zano	murder of several Europeans and prisoners of war	March 1945 at Hagiang
Husuda, sub-chief of the gendarmes Shivada, gendarme Murata gendarme	murder of Mme. Adèle Couttis and her son age 9 years	22 August 1945 on the way from Thakket to Savannakhet

ANNEX D 15

Memo from the Legal Officer of the War Crimes Commission.
By E. Schwelb, Legal Officer.

From List No.1. (August 1945) produced by the Far-Eastern and Pacific Sub-Commission, it appears that the sub-commission had adopted a classification different from that used by the Main Commission

The classification applied by the main Commission is as follows: (Decision of Committee I dated 1st March 1944, supplemented by Doc. C.75).

'A' Charges to be proposed to the Commission for inclusion in the Commission's list of war criminals.

'B' Charges placed on the Committee's Provisional List. This List is to be sub-divided into two sub-divisions,
1. charges in which evidence is reasonably complete,
2. charges in which the evidence is incomplete, but further information will be available before the fighting ceases. (NOTE: List B. has become obsolete.)

'C' Charges, consideration of which is suspended until the National Office provides further information.

'S' A list of suspected persons or of units, whose personnel the Commission considers should be taken and maintained in custody until it has been possible to identify the war criminals, who are to be handed over for trial by a competent court.

'W' A list of persons capable of giving evidence regarding the crimes.

The Far-Eastern and Pacific Sub-Commission, on the other hand, has adopted the following classification:

A-1 cases against named individuals where evidence is sufficiently complete to charge them as actual perpetrators of war crimes.

A-2. cases against enemy military and civilian personnel where evidence is sufficiently complete to charge them as having been concerned in the commission of war crimes, either by having encouraged them, condoned in them, or in any other way shown their responsibility for them.

B. cases not falling under A-1 or A-2, but where any named enemy individual or military or civilian enemy personnel in authority should be held for interrogation as material witnesses after the cessation of hostilities.

From this, it seems to follow that the Far-Eastern and Pacific Sub-Commission classifications A-1 and A-2 correspond to the list A, of the main Commission. The Far-Eastern classification B. corresponds to classification W. of the main Commission.

I submit for consideration that the proceedings of the main Commission and of the Far-Eastern and Pacific Sub-Commission be brought into line.

SECRET SM15

MINUTES OF THE FIFTEENTH MEETING OF THE
FAR EASTERN AND PACIFIC SUB-COMMISSION
OF THE UNITED NATIONS WAR CRIMES COMMISSION

Time and Place: 4 p.m., Friday, October 26th, 1945, at 305 Chung San Road, Chungking.

Representatives Present:

H.E. Dr. Wang Chung-Hui (in the Chair) Assisted by Dr's. Wang Hua-Cheng and Dison Poe	CHINA
Mr Robert Lacy Smyth Assisted by Maj West and Capt. Bailey	United States of AMERICA
Mr H. Stokes	AUSTRALIA
H.E. M. le Baron Delvaux de Fenffe	BELGIUM
Monsieur Brethes	FRANCE
Capt. Sathe	INDIA
H.E. Mr. Lovink	NETHERLANDS
Mr. Lamb	UNITED KINGDOM

Also present: Mr. P.H. Chang, Secretary-General.

Having called the meeting to order, Dr. Wang welcomed those who attended the meeting for the first time: Mr. L.H. Lamb now taking the place of Mr. Whitamore who left for Tientsin, Dr. Dison, H.F. Poe taking the placé of Director Yang Yun-Tsu who resigned as one of the assistants of China's Representative, and Capt. Bailey who attended the meeting as a visitor.

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Major W. West brought before the Sub-Commission a list of 218 Japanese war criminals and material witnesses who are wanted by the U.S. Government and subject to immediate capture and detention by the Allied Powers. For the purpose of gaining time, the Sub-Commission, after much deliberation, decided not to refer the list to the Sub-Committee for examination and passed it without classification. Copies of this list were distributed to Members at the meeting as List No. 7.

7. List of Japanese war criminals submitted by the Australian Member.

Mr. H. Stokes on behalf of the Australian military authorities submitted a short list of Japanese war criminals extracted from a number of statements by Australian officers and other ranks about war crimes received from Major West of the U.S. Judge Advocate's Office. Major West said that names in this list were probably all covered in the list he brought up, which the Sub-Commission had just passed as List No.7. The Secretariat was instructed to check this over and to include any name not thus covered in the Sub-Commission's next list.

8. Departure of Major West.

The Chairman announced that Major West was soon to leave Chungking, as he had been transferred to work in Shanghai. Both Dr. Wang and Ambassador Lovink, as Chairman of the Sub-Committee, expressed great appreciation of Major West's cooperation and wished him God-speed. The Secretary-General joined them in thanking Maj. West, expecially for the assistance he gave in the printing of the Sub-Commission's lists. Arrangement has been made so that Maj. West will continue to render that assistance. Mr. Robert Smyth will inform the Chairman Dr. Wang as to who will replace Major West as the American member to sit on the Sub-Committee on Facts and Evidence.

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The meeting adjourned at 6 pm.

ANNEX List of Japanese military men who committed war crimes in Indo-China. D.14

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Husuda, sub-chief of the gendarmes Shivada, gendarme Murata gendarme	murder of Mme. Adèle Couttis and her son age 9 years	22 August 1945 on the way from Thakket to Savannakhet

ANNEX D 15

Memo from the Legal Officer of the War Crimes Commission.
By E. Schwelb, Legal Officer.

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The classification applied by the main Commission is as follows: (Decision of Committee I dated 1st March 1944, supplemented by Doc. C.75).

'A' Charges to be proposed to the Commission for inclusion in the Commission's list of war criminals.

'B' Charges placed on the Committee's Provisional List. This List is to be sub-divided into two sub-divisions,
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The Far-Eastern and Pacific Sub-Commission, on the other hand, has adopted the following classification:

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B. cases not falling under A-1 or A-2, but where any named enemy individual or military or civilian enemy personnel in authority should be held for interrogation as material witnesses after the cessation of hostilities.

From this, it seems to follow that the Far-Eastern and Pacific Sub-Commission classifications A-1 and A-2 correspond to the list A, of the main Commission. The Far-Eastern classification B. corresponds to classification W. of the main Commission.

I submit for consideration that the proceedings of the main Commission and of the Far-Eastern and Pacific Sub-Commission be brought into line.

SECRET SM16

MINUTES OF THE SIXTEENTH MEETING OF THE
FAR EASTERN AND PACIFIC SUB-COMMISSION
OF THE UNITED NATIONS WAR CRIMES COMMISSION

Times and Place: 4 p.m., Friday, November 9th, 1945 at 305 Chung San Road, Chungking.

Representatives Present:

H. E. Dr. Wang Chung-Hui (in the Chair) Assisted by Dr. Wang Hua-cheng	CHINA
Mr. Robert Lacy Smyth Assisted by Mr. Ralph Clough	United States of AMERICA
Mr. Shaw	AUSTRALIA
H.E. M. le Baron Delvaux de Fenffe	BELGIUM
H.E. Mr. Lovink	NETHERLANDS
Mr. Lamb	UNITED KINGDOM

Also present: Mr. P.H. Chang, Secretary-General.

1. Approval of Minutes of the 15th Meeting.

Minutes of the last meeting were approved without comments and signed by the Chairman Dr. Wang Chung-Hui.

2. Report by Chairman of Committee on Facts and Evidence.

The Committee met on November 7 and classified Charges Nos. 425-437, which contain 23 names. The Sub-Commission adopted the findings of the Committee without any corrections or comments and authorised the Secretary-General to print List No. 8 out of these cases and those passed at the last meeting.

3. Report of the Secretariat concerning the list of Japanese war criminals submitted by the Australian Member at the last meeting.

After checking over, the Secretary-General discovered that Cases 5 and 9 of the list submitted by the Australian Member at the last meeting were not included in the list of 218 cases (List No.7) brought forward by Major West. Therefore the following will be printed in List No.8. in accordance with a decision made by the Sub-Commission in connection with Item 7 in the minutes of its 15th meeting: Lieutenant TOMAKI, Camp Commandant of Helto Camp, Formosa; Corporal Chiba, of the same camp; ITOMI, an American born Japanese interpreter at the Mukden Camp

4. New American Member on the Sub-Committee on Facts and Evidence.

Mr. Robert Smyth wrote to the Sub-Commission on October 30, giving the information that Mr. Ralph N. Clough, Secretary of Embassy, has been designated to replace Major Willis A. West as American member on the Committee on Facts and Evidence of the Sub-Commission.

5. Memo from the Legal Officer of the London War Crimes Commission (See Annex D 15).

After some discussion, the Sub-Commission decided to refer this matter to Ambassador Lovink for attention and for reply.

6. Date of next meeting.

The next meeting will be held on November 23rd, Friday, at 4 p.m. at the usual place. No further notice will be given.

The meeting adjourned at 5 p.m.

SECRET SM16

MINUTES OF THE SIXTEENTH MEETING OF THE
FAR EASTERN AND PACIFIC SUB-COMMISSION
OF THE UNITED NATIONS WAR CRIMES COMMISSION

Times and Place: 4 p.m., Friday, November 9th, 1945 at 305 Chung San Road, Chungking.

Representatives Present:

H. E. Dr. Wang Chung-Hui (in the Chair) Assisted by Dr. Wang Hua-cheng	CHINA
Mr. Robert Lacy Smyth Assisted by Mr. Ralph Clough	United States of AMERICA
Mr. Shaw	AUSTRALIA
H.E. M. le Baron Delvaux de Fenffe	BELGIUM
H.E. Mr. Lovink	NETHERLANDS
Mr. Lamb	UNITED KINGDOM

Also present: Mr. P.H. Chang, Secretary-General.

1. Approval of Minutes of the 15th Meeting.

Minutes of the last meeting were approved without comments and signed by the Chairman Dr. Wang Chung-Hui.

2. Report by Chairman of Committee on Facts and Evidence.

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5. Memo from the Legal Officer of the London War Crimes Commission (See Annex D 15).

After some discussion, the Sub-Commission decided to refer this matter to Ambassador Lovink for attention and for reply.

6. Date of next meeting.

The next meeting will be held on November 23rd, Friday, at 4 p.m. at the usual place. No further notice will be given.

The meeting adjourned at 5 p.m.

SECRET. S.17.

MINUTES OF THE SEVENTEENTH MEETING OF
THE FAR EASTERN AND PACIFIC SUB-COMMISSION
OF THE UNITED NATIONS WAR CRIMES COMMISSION.

Time and Place: 4 p.m., Friday, November 30th, 1945 at 305 Chung San Road, Chungking.

Representatives Present:

H.E. Dr. Wang Chung-Hui (in the Chair) CHINA
Assisted by Dr. Wang Hua-Cheng
Dr. Dison Poo

Mr. Robert Lacy Smyth	United States of AMERICA
Mr. Shaw	AUSTRALIA
Mr. Robert Rothschild	BELGIUM
H.E. Mr. Minovski	CZECHOSLOVAKIA
Mr. Brethes	FRANCE
H.E. Mr. Lovink	NETHERLANDS
Mr. Lamb	UNITED KINGDOM

1. Report by Chairman on Absence of Secretary-General.

The Chairman reported that Mr. P.H. Chang, Secretary-General, has been away from Chungking on an official mission and during his absence Dr. Wang Hua-Cheng will act as Secretary-General.

2. Approval of Minutes of the 16th Meeting.

Minutes of the last meeting were approved without comments and signed by the Chairman Dr. Wang Chung-Hui.

3. Report by Chairman of Committee on Facts and Evidence.

The Committee met on November 19th and classified Charges Nos. 438-451 and again on November 26th and classified Charges 452-463, a total of twenty-six cases. The Sub-Commission adopted the findings of the Committee without any corrections or comments and authorized the Secretary-General to print these cases as part of list 9.

4. Use of tear or sneeze gas not a war crime.

The Chairman of the Committee on Facts and Evidence also reported that among the charges submitted by the Chinese National Office, there were three cases involving the use of tear gas and sneezing gas. Inasmuch as such gas is often used by police in time of peace, the committee is of the opinion that the use of such gas should not be considered as war crime, the report of the committee, was approved.

5. Classification procedure adopted by the Sub-Commission remain unchanged.

The differences between the classification procedure adopted by the Main Commission and the Sub-Commission were raised in a letter from the Legal Official of the War Crimes Commission (JIEX D 15). The letter was discussed by the Sub-Commission in its Sixteenth meeting and was then referred to the Committee on Facts, and Evidence. Ambassador Lovink, Chairman of the Committee, reported as follows:-

"The Chairman laid before the committee a memo from the Legal Officer of the War Crimes Commission, numbered Annex D 15, pointing out that the Far Eastern and Pacific Sub-Commission have adopted a classification which is different from that followed by the Main Commission.

The Committee on Facts and Evidence is of the opinion, that it would be extremely difficult to change the classification procedure after it has been followed from the beginning of the work of the Sub-Commission. The classification has proven adequate and convenient.

The Sub-Commission had no indication that the Main Commission desired that its own classification should be adopted by the Sub-Commission. Moreover this classification was not available at the time (March 1945).

The Sub-Committee would like to suggest that no change be made unless there are principle and important reasons for the Main Commission to warrant such a request.

Document D 15 only suggests that this should be done, without indicating what the advantages would be nor for what reasons this suggestion was made, except that the classifications differ."

The Sub-Commission approved of the report and decided that the Main Commission be informed.

6. Report by Dr. Wang Hua-Cheng on list of Japanese Major War Criminals presented by the Chinese Government to General MacArthur.

Dr. Wang read a list of twelve names. Limited copies of the list will be circulated to Members of the Sub-Commission as an annex to the minutes of the 17th meeting.

7. Date of next meeting.

The next meeting will be held on December 21st, Friday, at 4 p.m. at the usual place. No further notice will be given.

The meeting adjourned at 5 p.m.

SECRET. SM18.

MINUTES OF THE EIGHTEENTH MEETING OF THE
FAR EASTERN AND PACIFIC SUB-COMMISSION
OF THE UNITED NATIONS WAR CRIMES COMMISSION

Time and Place: 4 p.m. Friday, December 21, 1945 at 305 Chung San Road, Chungking.

Representatives Present:

H.E. Mr. Lovink (Acting Chairman)	- Netherlands
Mr. Claugh	- United States of AMERICA
Mr. Shaw	- AUSTRALIA
H.E. Mr. Delvaux de Fenffe	- BELGIUM
Mr. Dison Poe & Dr. Wang Hua-cheng	- CHINA
H.E. Mr. Minovsky	- CZECHOSLOVAKIA
Mr. Lamb	- UNITED KINGDOM

1. Ambassador Lovink as acting chairman

Chairman Dr. Wang Chung-hui was ill and had asked Ambassador Lovink to preside over the meeting. Secretary-General Mr. P.H. Chang was on leave to Nanking and Dr. Wang Hua-cheng acted for him.

2. Approval of Minutes of the Seventeenth Meeting

Minutes of the last meeting were approved without comments and signed by the acting chairman Ambassador Lovink.

3. Report by Chairman of Committee on Facts and Evidence

The Committee met on December 17th and classified charges 464-513 with the exception of cases 468 and 490.

Case 468 was referred back to the National Office because of the following reasons. It is not clearly stated whether the 38 Japanese officers mentioned were in Nanking at the time of the atrocities described, and if so, in what way they participated therein. The Sub-Committee suggests that this be ascertained by the Chinese Military Council, and that signed statements written by Chinese, Western and Japanese eye-witnesses be obtained; a statement by some Japanese officials as, for instance, Tanaka mentioned on page 2-9, might be valuable. Since the "rape of Nanking" constitutes one of the most heinous crimes ever committed, the Sub-committee feels that a thorough inquiry is needed.

Regarding case 490, the Sub-Committee notices a discrepancy in the statements on page 2 and 4 of the charge sheets: on page 2 it is stated that Wakamatsu himself shot the victim, while on page 4 it is said that he permitted his men to do so. This discrepancy should be clarified before the Sub-Committee can classify this case.

The Report of the Committee was approved and cases 468 and 490 were referred back to the Chinese national office.

4. Questions as to the Progress of Apprehension and Trial of War Criminals in China.

Mr. Lamb asked whether any information had been received by the Sub-Commission as to what action had been taken with regard to the

war criminals whose cases had been investigated and listed by the Sub-Commission.

Dr. Wang Hua-cheng replied that no such information had yet been received.

Mr. Lamb then enquired whether such information could be supplied by the appropriate authorities to the Sub-Commission, when any criminals classified and listed by the Sub-Commission had been apprehended and tried before any tribunal.

Mr. Shaw asked: Is there any information available yet regarding the location of Japanese war criminals already listed, among those Japanese now disarmed in China? Could the Sub-Commission be informed what steps have been taken by the Chinese Government to establish war crimes tribunals to consider the trials of Japanese war criminals apprehended in China? When may the announcement of trials in China be expected?

The Secretary-General was asked to present the above questions to Chairman Dr. Wang Chung-hui.

5. Date of Next Meeting.

The next meeting will be held on January 4th, 1946 Friday, at 4 p.m. at the usual place. No further notice will be given.

The meeting adjourned at 4:45 p.m.

SECRET

SM19

MINUTES OF THE NINETEENTH MEETING OF THE FAR EASTERN AND PACIFIC SUB-COMMISSION OF THE UNITED NATIONS WAR CRIMES COMMISSION.

Time and Place: 4 p.m., Friday, January 4th, 1946 at 305 Chung San Road, Chungking.

Representatives Present:

H.E. Dr. Wang Chung-Hui(In the Chair) Assisted by Dr. Wang Hua-Cheng	- CHINA
Mr. Robert Lacy Smyth Assisted by Mr. Ralph Clough	- UNITED STATES OF AMERICA
Mr. Patrick Shaw	- AUSTRALIA
H.E. M. le Baron Delvaux de Fenffe	- BELGIUM
Monsieur Pelen	- FRANCE
Mr. Menon	- INDIA
Dr. van Gulik	- NETHERLANDS
Mr. L.H. Lamb	- UNITED KINGDOM

Also present: Mr. P.H. Chang, Secretary-General.

At 4 p.m. the Chairman called the meeting to order and welcomed Monsieur Pelen who sat for the first time on behalf of the French Member.

1. Approval of Minutes of the 18th Meeting.

Minutes of the 18th meeting were approved without corrections and subsequently signed by the Chairman Dr. Wang Chung-Hui.

2. Report of the Finance Committee.

Mr. L.H. Lamb, as Chairman of the Finance Committee, gave a detailed statement concerning the income and expenditure of the Sub-Commission for the period of December 1, 1944 to December 31, 1945, the gist of which is to be found in Annex D 16. He concluded by informing the Sub-Commission that for that period of 13 months, it had spent less than one-fourth of what the budget had allowed. There being no questions raised, Mr. Lamb's statement was accepted with thanks.

3. Report by Secretary-General on apprehension and trial of Japanese War criminals listed.

With reference to the questions raised by Mr. Lamb and Mr. Shaw at the last meeting, concerning the apprehension and trial of Japanese war criminals whose cases had been investigated and listed by the Sub-Commission, the Secretary-General, having made inquiries, submitted the following report to the Chairman, H.E. Dr. Wang Chung-Hui:-

(1) According to information received by the Waichiaopu from General MacArthur's Headquarters in Tokyo, out of the twelve Japanese major war criminals listed, one commited suicide (General Shigeru HONJO), five have been arrested (General Kenji DOIHARA, Col.Kingoro HASHIMOTO, Field-Marshall Shiroku HATA, General EIKI TOJO and General Seiichi KITA, the last named being detained by the Soviet Army in Manchuria). For the other six (Major-General Shisao TANI, General Seishiro ITAGAKI, Major-General Takaji WACHI, Major-General Sadaaki KAGESA, Major-General Takashi SAKAI, and Major-General Rensuke ISOGAI), orders of arrest have been issued. It is believed that they will soon be apprehended.

(2) The Ministry of Military Operations, at the time of inquiry, has already distributed copies in Chinese of the Sub-Commission's Lists No.1 and No.2 to Chinese commanders in various fields and copies in Chinese of Lists 3, 4 and 5 are being distributed to them. The preparation of the Chinese copies of Lists 6, 7 and 8 still requires a little time, but the Secretary-General is informed that the Ministry of Military Operations is doing all it can to hasten the accomplishment of this work. No reports have, however, been received as to how many Japanese war criminals have been arrested from among the Japanese now disarmed in China.

(3) From the Australian Charge d'Affaires the Chairman Dr. Wang received a letter informing him that No. 19 on the Sub-Commission's List No.3, of Japanese war criminals holding key positions, General HITOSHI IMAMURA, is now being detained by the Australian Military Forces at Rabaul pending further instructions.

(4) The organisation of military tribunals for the trial of Japanese war criminals has been for some time under the joint consideration of the Ministry of Military Operations and the Ministry of Justice. Draft regulations have been made. It is expected that a final agreement will be reached at a meeting to be held in the Ministry of Military Operations on Friday, January 4, 1946. After these regulations, when agreed upon, are approved by higher authorities and, after the budgetary matters involved are settled, tribunals will be set up.

P.H.Chang
(Signed)

4. Report by Chairman of Committee on Facts and Evidence.

The Sub-Committee met on December 31, 1945 and classified charges 514-550 and the supplements to charges 496, 500 and 508. There was only one "C" case - charge No.530. The Sub-Commission adopted the findings of the Sub-Committee and the Secretary-General was authorized to send these (containing 57 names), together with those classified at the two previous meetings (containing 90 names), to Major Willis West to be printed in Shanghai as List No.9.

5. Up-to-date total number of Japanese war criminals listed by Sub-Commission.

Mr. Smyth wanted to know the up-to-date number of Japanese war criminals listed by this Sub-Commission, to which inquiry the Secretary-General replied that the total number of Japanese war criminals listed so far is eleven hundred and eleven, 1,111.

6. Date of next meeting.

The Sub-Commission will meet again on Friday, January 25th, 1946, at 4 p.m. at the usual place. No further notice will be given unless there is any change.

The Meeting adjourned at 5 p.m.

ANNEX

Statement of Expenditure of Far Eastern and Pacific War Crimes Sub - Commission from Dec.1, 1944 to Dec 31 1945.

	Expenditure		Advance through H.M. Embassy
		C.N. Dollars	
Dec. 1,1944 to March 31, 1945	258,780.00		(Jan. 1945) 590,000.00
1945 April 1 - June 30	250,676.00		(July) 500,000.00
July 1 - Sept.30	384,689.00		
Oct. 1 - Dec. 31	355,780.00		(Oct.) 500,000.00
	1,249,925.00		1,590,000.00
June 30 - Balance 31/12/45	351,265.09	Bank Interest 30/6/45	11,190.09
	1,601,190.09		1,601,190.09

Rupee Expenditure

1945.		Rupees		£. s. d.
January	Stencils + freight	425	equal to	32. 3. 1.
May	Mineograph + freight	1,466.11.6.	" "	110. 15. 4.
July	Stencils + freight	528. 9.0.	" "	39. 18. 4.
	TOTAL:	2,420. 4.6.	" "	182. 16. 9.

Details of Dollar Expenditure.

	Allowance & Subsidies.	Stationary etc.
Dec. 1, 1944 to March 31, 1945. (4 months)	205,600	53,180
1945. April 1 - June 30 (3 months)	173,700	76,976
July 1 - Sept.30 "	285,180	99,509
Oct. 1 - Dec. 31 "	313,020	42,760
	977,500	272,425

TOTAL: C.N.$ 1,249,925

L.H.Lamb
(signed)
Chairman of Finance Committee
January 4th, 1946.

SECRET SM20

MINUTES OF THE TWENTIETH MEETING OF THE
FAR EASTERN AND PACIFIC SUB-COMMISSION
OF THE UNITED NATIONS WAR CRIMES COMMISSION

Time and Place: 4 p.m., Friday, January 25th, 1946 at 305 Chung San Road, Chungking.

Representatives Present:

H.E. Dr. Wang Chung-Hui (in the Chair)	CHINA
Assisted by Dr. Wang Hua-cheng	
Dr. Dison Poe	
Mr. Ralph Clough	United States of AMERICA
Mr. Patrick Shaw	AUSTRALIA
H.E. Mr. S. Minovsky	CZECHOSLOVAKIA
Captain Sathe	INDIA
H.E. Mr. A.H.J. Lovink	NETHERLANDS
Mr. L.H. Lamb	UNITED KINGDOM

Also Present: Mr. P.H. Chang, Secretary-General.

1. Approval of Minutes of the 19th Meeting.

Minutes of the last meeting were adopted and signed by the Chairman Dr. Wang, subject to the following alteration:- The sentence beginning with "He concluded by informing the Sub-Commission ..." in Item 2, concerning Mr. Lamb's report on finance, should be deleted and substituted by "He concluded by informing the Sub-Commission that in the first three quarters of the financial year April 1st 1945 to March 31st 1946 the Sub-Commission's expenses had been only a little more than one-quarter of the amount budgeted for at the beginning of 1945 in response to the request of the War Crimes Commission in London for an advance estimate of expenditure".

2. Distribution of copies of London Commission's records

Another fifty pages of the London Commission's records (pp.669-718 inclusive) were distributed to each Member at the meeting for study and reference.

3. Distribution of copies of Sub-Commission's List No.9 of Japanese War Criminals printed in January, 1946.

Copies of the Sub-Commission's List No.9 of Japanese War Criminals were supplied to each Member as required.

4. Two letters to the Chairman from the Australian Member, one enclosing a copy of the "First List of Major Japanese War Criminals and Those Holding Key Positions" prepared by the Australian National Office.

The Australian Member wrote to Dr. Wang on January 18th, 1946, informing the Sub-Commission that General Masataka YAMAWAKI listed No. 83 in the Sub-Commission's List No.3 is held in custody by the Australian Military Forces. (Yamawaki first led Japanese troops in China and then was transferred to Borneo.) On the same day he wrote another letter enclosing for the information of the Sub-Commission a copy of the "First List of Major Japanese War Criminals and Those Holding Key Positions" prepared by the Australian National Office. This List with 64 names including that of the Japanese Emperor Hirohito was passed round at the meeting and is kept in the hands of the Secretary-General.

5. Report by Chairman of Committee on Facts and Evidence

The Sub-Committee examined this time 40 charges, containing 47 names, twelve of which were classified as "C" cases, the other 35 as A-1, A-2 or B cases. There being no comments, the findings of the Sub-Committee were adopted. These thirty-five names will be printed as a part of List No.10.

6. Date of next meeting.

The next meeting of the Sub-Commission will be held on February 15, 1946, at 4 p.m. at the usual place.

The meeting adjourned at 4:55.

SECRET SM21

MINUTES OF THE TWENTY-FIRST MEETING OF THE
FAR EASTERN AND PACIFIC SUB-COMMISSION
OF THE UNITED NATIONS WAR CRIMES COMMISSION

Time and Place: 4 p.m., Friday, February 15th, 1946 at
305 Chung San Road, Chungking.

Representatives Present:

H.E. Dr. Wang Chung-Hui (in the Chair) Assisted by Dr. Wang Hua-Cheng Dr. Dison Poe	CHINA
Mr. Robert Lacy Smyth assisted by Mr. Ray Ludden	United States of AMERICA
Mr. Patrick Shaw	AUSTRALIA
Monsieur Emmanuel Mazac	CZECHOSLOVAKIA
Monsieur Pelen	FRANCE
Captain Sathe	INDIA
H.E. Mr. A.H.J. Lovink assisted by Dr. Van Gulik	NETHERLANDS
Mr. L.H. Lamb	UNITED KINGDOM

Also present: Mr. P.H. Chang, Secretary-General.

1. Approval of minutes of the 20th meeting.

Minutes of the 20th meeting were adopted without corrections and subsequently signed by the Chairman Dr. Wang Chung-Hui.

2. Report by Chairman of Committee on Facts and Evidence (List of cases Nos. 590-629 circulated in advance).

The Sub-Committee met on February 11th, 1946, and classified charges 590-629. These forty cases contain 58 names, five of which were classified as 'C', the other fifty-three as A-1, A-2 or B. After some discussion, the Sub-Commission adopted the findings of the Sub-Committee and agreed that these 53 names together with the 35 passed at the Sub-Commission's last meeting should be printed at once as List No.10.

3. Resignation of the Secretary-General.

The Chairman announced that Mr. P.H. Chang was obliged to tender his resignation as the Sub-Commission's Secretary-General, since he was appointed Consul-General at New York and would soon leave for his new post, and on behalf of all Members of the Sub-Commission, expressed appreciation of the good work he did since its organisation in 1944. Mr. Chang said he was sorry to leave and thanked the Chairman and Members of the Sub-Commission for guidance and wholehearted assistance which he always received in the discharge of his duties. The Chairman having called the attention of Members to the last section of Articles II of the RULES, which reads "The Secretary-General shall be elected, and vacancies shall be filled, by the same method as the Chairman," Ambassador Lovink proposed Dr. Wang Hua-Cheng to be Mr. Chang's successor. Both Mr. Smyth and Mr. Lamb seconded the proposal. There being no other nomination, Dr. Wang Hua-Cheng was unanimously elected Secretary-General to succeed Mr. P.H. Chang who will hand over the minutes, records, documents, stationery and other property of the Sub-Commission to Dr. Wang in a week.

4. Letters from Members.

(a) On January 25th, 1946, the Australian Member Mr. Shaw wrote to the Chairman informing him that the Australian Government had nominated Sir William Webb, Chief Justice of Queensland, as Australian Member of the International Military Tribunal for the trial of major Japanese war criminals and Mr. Justice Mansfield as associate prosecutor.

(b) Mr. Shaw again wrote to Dr. Wang on February 15, saying that the Japanese suspected war criminals Sadaaki Kagesa and Masatane Kanda listed in the Sub-Commission's Lists No.3, Serial 26, and No.5, Serial 24 respectively are now held by the Australian Military Forces.

(c) On February 4th, 1946, Mr. Smyth wrote to the Chairman, sending him a letter from Lt.-Col. Willis A. West, describing the war crimes investigations carried on by the U.S. Army in China. The Chairman thought the contents of that letter would be of great interest to the Sub-Commission and requested the Secretary-General to read it. (See Annex 17). Mr. Chang war requested to write to Col. West, to thank him and also to congratulate him on behalf of all the Members of the Sub-Commission for his recent promotion.

5. Other business.

The next meeting will be held on Friday, March 8, 1946, at the usual place. No further notice will be given.

The meeting adjourned at 5.15 p.m.

SECRET SM.22.

MINUTES OF THE TWENTY-SECOND MEETING OF
THE FAR EASTERN AND PACIFIC SUB-COMMISSION OF
THE UNITED NATIONS WAR CRIMES COMMISSION

Time and Place: 4 p.m., Friday, March 8th, 1946,
at 305 Chung San Road, Chungking.

Representatives Present:

H.E. Mr. A.H.J. Lovink (Acting Chairman) Assisted by Dr. van Gulik.	NETHERLANDS
Mr. Ray Ludden	United States of AMERICA
Mr. Patrick Shaw	AUSTRALIA
Mr. Robert Rothschild	BELGIUM
Dr. Wang Hua-Cheng (Secretary-General)	CHINA
Dr. Dison Poe	
Mr. Emmanuel Mazac	CZECHOSLOVAKIA
Mr. Pelen	FRANCE
Captain Sathe	INDIA
Mr. L.H. Lamb	UNITED KINGDOM

1. Ambassador Lovink as Acting Chairman:

Dr. Wang Chung-Hui, Chairman of the Sub-Commission, was unable to attend the meeting on account of some urgent business and Ambassador Lovink was requested to preside over the meeting.

2. Approval of Minutes of 21st Meeting:

Minutes of 21st meeting were adopted without corrections and signed by acting chairman H.E. Mr. Lovink.

3. Report by Chairman of Committee on Facts and Evidence (List of cases Nos. 630-679 circulated in advance).

The Committee on Facts and Evidence met on March 4th, 1946, and classified fifty Charges Nos. 630-679. These fifty cases contained 57 names, five of which were classified as "C", the other 52 as A-1, A-2 or B. After some discussion, the findings of the Committee were adopted and it was agreed that these 52 names should go into List No.11.

4. Letter from the British Member.

In a letter from the British Member, Mr. L.H. Lamb, to the Secretary-General, Dr. Wang Hua-Cheng, a copy of Number 158 of South East Asia Command Reproduction List of Japanese Suspects No. 12 was enclosed for the information and record of the Sub-Commission. The letter was read before the meeting and the list was passed around the representatives present.

5. Finance Report.

The fiscal year of the Sub-Commission ends on thirty-first of March. It was agreed that the Finance Committee be requested to make a report on the financial conditions of the Sub-Commission at the end of the fiscal year.

6. Apprehension and trial of Japanese war criminals in China.

Ambassador Lovink asked for further information concerning the apprehension and trial of Japanese War Criminals in China. Dr. Wang Hua-Cheng explained that the apprehension and trial of Japanese War Criminals are now in the hands of a Committee Composed of representatives of various government offices concerned with investigation and punishment of war crimes. The representative of the Ministry of Military Operations serves as chairman of the Committee.

According to information received by the Ministry of Military Operations, up to February 10th of this year: (1) one hundred eleven Japanese war criminals listed by the Sub-Commission (Lists 1-6) had been arrested. Out of these, one hundred and eight are being put on trial; (2) 57 Japanese accused of war crimes by Chinese victims though not listed by the Sub-Commission were also arrested and put on trial; (3) seven of various nationalities were arrested and put on trial because they were involved in war crimes in one way or another; (4) total of 175 arrested and 172 put on trial.

In addition, The United States Government had asked the Chinese authorities to help arresting certain Japanese war criminals. Up to February 10th, 79 were arrested and put on trial. The Australian Government had also asked for the arrest of 22 Japanese war criminals but no arrest had yet been made by February 10th.

7. Date of the next meeting.

The date of next meeting: Friday, March 29, 1946. No more notice will be given.

The meeting adjourned at 5: 00 p.m.

SECRET SM.23.

MINUTES OF THE TWENTY-THIRD MEETING OF
THE FAR EASTERN AND PACIFIC SUB-COMMISSION
OF THE UNITED NATIONS WAR CRIMES COMMISSION

Time and Place: 4 p.m. Friday, April 5th, 1946,
at 305 Chung San Road, Chungking.

Representatives Present:

H.E. Dr. Wang Chung-Hui (in the Chair)	CHINA
Assisted by Dr. Wang Hua-cheng (Secretary-General) and Dr. Dison Poe	
Mr. Ray Ludden	United States of AMERICA
H.E. Mr. Copland	AUSTRALIA
Assisted by Mr. Patrick Shaw	
M. Brogniez	BELGIUM
H.E. Mr. Minoviski	CZECHOSLOVAKIA
Mr. I. J. Bahadur Singh	INDIA
H.E. Mr. A.H.J. Lovink	NETHERLANDS
Assisted by Dr. Van Gulik	
Mr. L.H. Lamb	UNITED KINGDOM

1. New representative introduced:

H.E. Mr. Copland the newly arrived Australian Minister to China, took up his post as Australian representative on the Far Eastern and Pacific War Crimes Sub-Commission and was assisted by Mr. Patrick Shaw. The Belgian government appointed M. Brogniez as its alternate representative. The Indian government appointed Mr. I.J. Bahadur Singh as its alternate representative.

2. Approval of Minutes of the 22nd Meeting.

Minutes of the 22nd meeting were adopted without corrections and signed by Chairman Dr. Wang Chung-Hui.

3. Distribution of copies of Sub-Commission's List No. 10 of Japanese War Criminals.

List No. 10 was circulated in advance. Secretary-General Dr. Wang Hua-Cheng reported that Colonel West of the U.S. Army Headquarters, who had printed all the lists of the Sub-Commission in the past, had gone back to America. In view of the fact that American Army Headquarters in China are about to wind up, the Secretary-General suggested that hereafter the printing of the Sub-Commission's lists should be taken up by the secretariat itself. The Sub-Commission approved of this suggestion and asked the American Member, Mr. Ray Ludden, to convey its thanks to Col. West for all the trouble he had taken in printing the lists of the Sub-Commission.

4. Distribution of Concise Report of the Sub-Commission.

At the request of the Main Commission in London, Former Secretary-General, Mr. P.H. Chang, made a Progress report reading as follows:-

CONCISE REPORT OF THE SUB-COMMISSION

" (1) Examination of cases of Japanese war crimes.

Although the Sub-Commission's first (inaugural) meeting took place on November 29, 1944, and five more meetings were held before the middle of June, 1945, cases did not come to the Sub-Commission for examination in appreciable numbers until the Chinese National

Office was completely reorganised in July last year. Up to the time of writing, the Sub-Commission has held twenty-one meetings and passed and printed altogether nine lists, containing eleven hundred and eleven names. List No.10, with 88 names, is being printed in Shanghai. Cases listed as "C" by the Sub-Committee on Facts and Evidence have been returned to the National Office for further details.

(2) Apprehension and trial of Japanese war criminals.

The Ministry of Military Operations has distributed copies (in Chinese) of the Sub-Commission's Lists to Chinese commanders in various fields and ports, who are making a close check on all Japanese personnel being repatriated. The U.S. Army authorities in China are also working closely with the Chinese officers who are handling the repatriation work. From the Ministry of Military Operations, information was received saying that up to February 10, 1946, one hundred and eleven Japanese war criminals listed by the Sub-Commission had been arrested.

The organisation of military tribunals for the trial of Japanese war criminals has been for some time under the joint consideration of the Ministry of Justice and the Ministry of Military Operations. Orders have already been issued, so we learn, for the establishment of tribunals in Nanking, Wu-Han, Peiping, Shanghai, and other centres in Honan, Shansi, Suiyuan, and Chekiang. But up to the present, no report has been received by the Ministry of Military Operations concerning their actual establishment.

(3) Finances.

The Sub-Commission's Finances are entrusted to a Finance Sub-Committee, at present consisting of H.E. The Netherlands Ambassador, M.A.H.J.Lovink; Mr. R.L. Smyth, U.S. Embassy; and Mr. L.H. Lamb, British Embassy, who succeeded Mr. C. Whitamore as Chairman on 1st November 1945.

Advances for current expenditure are made by the British Embassy, who at the end of each quarter transmit the vouchers to the Foreign Office for presentation to the U.N.War Crimes Commission in London for final settlement. To facilitate local payments, the Sub-Commission have opened an account with the Shang-Ching-Shih branch of the Central Bank in Chungking.

With the exception of a mimeograph machine and supplies of stencils ordered from India at a cost of 2,420 rupees, the regular expenses of the Sub-Commission are in Chinese National currency in respect of remuneration to the personnel and stationery and other incidentals, the amount thus expended from December 1st. 1944 to December 31st, 1945 being CN $1,249,925.

Towards the beginning of 1945 the Sub-Commission were called upon to submit to the London Commission a budget for the financial year April 1st. 1945 to March 31st. 1946. On the recommendation of the Finance Sub-Committee the estimate was calculated in terms of sterling, being the currency in which the London Commission's accounts would be rendered, and the anticipated expenditure on the basis of the Exchange rates then current was £2,500. Actually despite the increased costs of operation in conformity with the rising costs of living in Chungking. The Sub-Commission has been able, partly owing to more favourable rates of exchange and partly as the result of economic management, to remain well within the set limit, the expenditure on December 31st, 1945 representing the end of the third quarter being under £700 or considerably less than one third of the total annual estimate. No budget for the next financial year has so far been asked for or compiled."

P. H. Chang.
February 15, 1946.

5. Report by Chairman of Committee on Facts and Evidence (List of Cases Nos. 680-719 circulated in advance).

The Sub-Committee on Facts and Evidence met on March 25th and classified cases Nos. 680-719. These forty cases contained 52 names, three of them were classified as "C". The findings of the Sub-Committee were adopted and it was decided that 52 names passed by the 22nd meeting and 49 names passed the present meeting should be published together as list No.11.

6. Letters dated March 25th and April 3rd 1946 from the British Member Mr. L.H. Lamb.

Two letters were received from the British Member enclosing six lists of Japanese Suspects (Nos. 13, 14, 15, 16, 17, 18) issued by the South East Asia Command for the information of the Members of the Sub-Commission.

7. List of Japanese War Criminals presented by the British Member Mr. L.H. Lamb.

The British Member presented on behalf of his government a list of 43 Japanese war criminals. All documentary materials in support of these charges are in the custody of the British Embassy in Chungking. It was decided to waive the process of going through the Committee on Facts and Evidence. The list was adopted and will be printed as No.12 of the Sub-Commission's lists.

8. Budget for the Financial Year from April 1st 1946 to March 31st 1947.

The budget for the past financial year was fixed of £2500 but the actual expenditure of the financial year was less than half of the amount. At the request of the Main Commission in London. Mr. Lamb, Chairman of the Finance Committee suggested to other Members of the Committee a sum of £2000 for the coming year. As there was no contrary opinion, the sum was taken for granted as the budget for the next year.

9. Attending the trial of Japanese war criminals in China.

It was decided that the Secretary-General should approach the appropriate Chinese authorities to obtain permission for members of the Sub-Commission to attend some of the trials of Japanese war criminals in China.

10. Date of Next Meeting.

In view of the immediate transfer of the Capital to Nanking, it was decided that the date of the next meeting should be subject to notice by the Secretary-General.

The meeting adjourned at 5:00 p.m.

SM. 24 no copy

SECRET SM25

MINUTES OF THE TWENTY-FIFTH MEETING OF
THE FAR EASTERN AND PACIFIC SUB-COMMISSION
OF THE UNITED NATIONS WAR CRIMES COMMISSION.

Time and Place: 4:00 p.m. Tuesday, July 2nd, 1946
Ministry of Foreign Affairs, Nanking.

Representatives Present:

Dr. Liu Chieh (in the Chair)	CHINA
Dr. Dison Hsueh-feng Poe	
Mr. C. Y. Chen	
Mr. R. P. Ludden	United States of AMERICA
Mr. D. B. Copland	AUSTRALIA
Mr. Delvanxde Fenffe	BELGIUM
Mr. E. Mazac	CZECHOSLOVAKIA
Mr. Brethes	FRANCE
Mr. Van den Berg	NETHERLANDS
Mr. L. H. Lamb	United Kingdom

1. Approval of the minutes of 24th Meeting

Minutes of the last meeting were adopted.

2. Letter of appreciation to be sent to Dr. Wang Chung-hui, former Chairman

Mr. Van den Berg suggested that, to show sincere appreciation of his service and guidance during his chairmanship, a letter is to be signed by all members and sent to Dr. Wang Chung-hue, former Chairman. This idea was heartily endorsed by all, and Mr. Van den Berg and Mr. Lamb were asked to draft the letter.

3. Report by Chairman of Committee on Facts and Evidence. (List of Cases Nos. 803-839 And Supplementary Charges Nos. 529, 544 and 573 Circulated in Advance.)

The Sub-Committee on Facts and Evidence met on June 25 and classified Cases Nos. 803-839 and three supplementary charges. There were altogether 47 names three of which were classified as "C". The findings of the Sub-Committee were adopted and it was decided that these 44 names should be printed as a part of List No: 14.

4. Document Received.

The Secretary-General had received from the United Kingdom Representative a copy of South East Asia Command Theatre Consolidated Suspects List Part II (J-M). It was circulated for the perusal of all members present.

5. Expression of welcome.

Mr. Lamb, United Kingdom Member, took the opportunity to express, on behalf of members of the Sub-Commission, welcome to new Chairman, Vice-Minister Liu Chieh as a worthy successor to Dr. Wang Chung-hui, for which Mr. Liu expressed thanks.

6. Resignation of Dr. Poe.

Chairman announced that, owing to business pressure as Deputy Director-General of CNRRA, Dr. Poe has tendered his resignation as Assistant to the Chairman and thanked the latter for his past service. Dr. Poe thanked the Chairman for his kind words and expressed regret that owing to lack of time he could not continue his work in the Sub-Commission.

7. Date of next meeting.

It was agreed that the next meeting is to be held 10:00 a.m. Tuesday, July 16. As the hour is changed from the usual afternoon to morning and as some members were absent, a circular is to be sent to all members for the next meeting.

SECRET SM 26.

MINUTES OF THE TWENTY-SIXTH MEETING OF
THE FAR EASTERN AND PACIFIC SUB-COMMISSION
OF THE UNITED NATIONS WAR CRIMES COMMISSION

Time and Place: 10 A.M. Tuesday, July 16, 1946
Ministry of Foreign Affairs, Nanking.

Representatives present:

Dr. Liu Chieh (in the Chair)	CHINA
Mr. C. Y Chen	
Dr. Wang Hua-cheng (Secretary General)	
Mr. R. P. Ludden	United States of AMERICA
Mr. Shaw	AUSTRALIA
H.E. Mr. Delvanx de Fenffe	BELGIUM
Mr. Mazac	CZECHOSLOVAKIA
Mr. Michel Bertin	FRANCE
Capt. Sathe	INDIA
Mr. Van den Berg	NETHERLANDS
Mr. Michal Denenicz	POLAND
Mr. L. H. Lamb	UNITED KINGDOM

1. Approval of Minutes of the 25th Meeting.

Minutes of the last meeting were adopted.

2. Report by Chairman of Committee on Facts and Evidence.

The Sub-Committee on facts and evidence met on July 9th and classified cases Nos. 840-876 and supplementary charges Nos. 511, 699 and 761. There were altogether 91 names, 17 of which were classified as "C". Thus leaving 74 names for list 14. The findings of the Sub-Committee were adopted.

3. The Secretary General had received from the United Kingdom representative a copy of the South East Asia Command List of Japanese War Criminals suspects N----R. It was circulated for the perusal of all members present.

4. Letter of appreciation sent to Dr. Wang Chung-Hui.

According to a resolution of the last meeting a letter of appreciation addressed to former Chairman Dr. Wang Chung-hui was drawn up by Mr. Van den Berg and Mr. Lamb. The letter was adopted and signed by all those present and was sent to Dr. Wang immediately by the Secretary-General. The letter reads as follows:-

His Excellency
Dr. Wang Chung-Hui.

Your Excellency,

At the first meeting of the Far Eastern and Pacific Sub-Commission of the United Nations War Crimes Commission since your retirement from the Chairmanship, which was held at Nanking on June 14th, 1946, a resolution was unanimously passed expressing the Sub-Commission's appreciation of your services as Chairman.

In this formal but no less sincere, resolution the members of the Sub-Commission placed on record their sentiments as colleagues in this Allied organisation, over whose proceedings you have so ably presided since its early days.

They would like, however to add a more personal message in their capacity as friends. The undersigned, therefore would ask you, Sir to regard this letter as a token of their highest esteem and as an expression of their very good wishes.

5. Date of Next Meeting: 10 A.M. Tuesday, July 30th, 1946.

SECRET SM 27

MINUTES OF THE TWENTY-SEVENTH MEETING OF
THE FAR EASTERN AND PACIFIC SUB-COMMISSION
OF THE UNITED NATIONS WAR CRIMES COMMISSION

Time and Place: 10 a.m. Tuesday, August 6th, 1946
Ministry of Foreign Affairs.

Representatives Present:

Dr. Liu Chieh (in the Chair)	CHINA
Mr. C. Y. Chen,	
Dr. Wang Hua-Cheng (Secretary-General)	
Mr. R. P. Ludden	United States of AMERICA
H. E. Mr. Copeland	AUSTRALIA
H. E. Mr. Delvaux de Fenffe	BELGIUM
Mr. Emanuel Mazac	CZECHOSLOVAKIA
Mr. Brethes	FRANCE
Mr. S. I. Hasan	INDIA
Mr. Van den Berg	NETHERLANDS
Dr. Michael Derenicz	POLAND

1. Approval of minutes of 26th meeting:

Minutes of the last meeting were adopted.

2. Distribution of Sub-Commission Lists Nos: 13 and 14.

Lists 13 and 14 contain all the names of Japanese War Criminals passed by the Sub-Commission since its transfer to Nanking (up to the end of July 1946)

3. Report by Chairman of Committee on Facts and Evidence

The Sub-Committee on Facts and Evidence met on July 30th and classified cases Nos: 877-915 and one supplomentary charge No: 525. There were altogether 40 cases and 53 names. Out of these 53 names, four were classified as "C" thus leaving 49 names to be included in the next Sub-Commission list, i.e. List No. 15. The report of the Sub-Committee on Facts and Evidence was adopted.

4. Report by Chairman of Finance Committee

The Chairman of the Finance Committee, Mr. Lamb, had prepared a statement of accounts of the Sub-Commission for the financial year, from April 1st, 1945 to March 31st, 1946. Since Mr. Lamb was at Kuling, it was decided to postpone the report until Mr. Lamb's return to Nanking.

5. Arrival at Nanking of Sub-Commission's Archives.

The Secretary-General reported that after long waiting the archives of the Sub-Commission have finally arrived at Nanking, thanks to the Ministry of Foreign Affairs for all the transportation facilities.

6. Letter from Dr. Wang Chung Hui:

Former Chairman of the Sub-Commission, Dr. Wang Chung-Hui, replied to the Sub-Commission's letter in which the members of the Sub-Commission expressed their appreciation of his work and guidance. Dr. Wang's letter reads as follows:

"Members of the Far Eastern and Pacific Sub-Commission of the United Nations War Crimes Commission:

Gentlemen:

Permit me to thank you most sincerely for your very kind letter in which you informed me of the resolution you passed on June 14th, 1946. I am extremely grateful to you for your friendly sentiments and wish to point out that whatever progress made in the work of the Sub-

Commission during my tenure as its Chairman was entirely due to your untiring efforts. Words can hardly express my appreciation of the team work you rendered possible and I shall always retain a vivid reminiscence of the days in which we worked so happily together.

May I thank you once again for your kind message and wish you the best of luck.

Yours sincerely

Signed:Wang Chung Hui

Shanghai
July 27th,1946."

7.Appointment of Mr.Wang Chih-chen as secretary of the Sub-Commission:

In order to handle the increasing work of the Secretariat and to keep in closer touch with the Chinese authorities on apprehension and trial of Japanese war criminals, it was decided to appoint Mr. Wang Chih-chen as secretary of the sub-Commission, taking the place of the former Assistant Secretary-General who had resigned sometime ago.

8. Questions concerning the method of classification of cases adopted by the sub-Commission.

The Chinese authorities on apprehension and trial of Japanese war criminals raised some doubt concerning the Sub-Commission's classification of cases. Some of the Japanese accused by the Chinese National Office, were listed as "B", i.e. material witnesses, by the Sub-Commission. Some witnesses, named in the original charge sheets of the Chinese National Office, were listed by the Sub-Commission as accused. It was explained that the reason why those accused were listed as witnesses is because there were not sufficient evidence against them as accused and therefore the Sub-Commission recommended that they be detained as material witnesses. On the other hand some Japanese Prisoners of war named by the Chinese National Office as witnesses were listed by the Sub-Commission as accused because of their self-accusing testimony. In any way, the findings of the Sub-Commission are in the nature of recommendations. The Secretary-General was authorized to make a written explanation to the above-mentioned Chinese authorities.

9. Documents received:

New documents were received from the British and Australian representatives. In order to make good use of materials of this kind it was decided that all the documents received by the Sub-Commission should be transmitted to the Chinese Commission on apprehension and trial of Japanese war criminals.

10. Date of next meeting. 10 a.m. August 20, 1946.

SECRET

SM28
13th September, 1946.

UNITED NATIONS WAR CRIMES COMMISSION

MINUTES OF THE TWENTY-EIGHTH MEETING OF
THE FAR EASTERN AND PACIFIC SUB-COMMISSION
OF THE UNITED NATIONS WAR CRIMES COMMISSION.

Time and Place: 10 a.m, on Tuesday, August 20th, 1946,
Ministry of Foreign Affairs.

Representatives Present:

Dr.Liu Chieh (in the Chair)	CHINA
Mr.C.Y.Cheng	
Dr.Wang Hua-Cheng(Secretary-General)	
Mr.R.P.Ludden	United States of AMERICA
Mr.Patrick Shaw	AUSTRALIA
Mr.Emanuel Mazac	CZECHOSLOVAKIA
Mr.S.I.Hasan	INDIA
Mr.Barkman	NETHERLANDS
Mr.Michael Derenicz	POLAND
Mr.L.H.Lamb	UNITED KINGDOM

1. Approval of minutes of 27th meeting

The minutes of the 27th meeting were adopted with the following changes:

a. Add "Mr.S.I.Hasan---India "among representatives present.

b. Under report by Chairman of Finance Committee change "since Mr.Lamb was on leave to Kuling..." to "since Mr.Lamb was at Kuling...."

2. Report by Chairman of Committee on Facts and Evidence.

The Acting Chairman of the Sub-Committee Mr.Van den Berg was absent. Mr.Barkman of the Netherlands Embassy reported for him.
The Sub-Committee met on August 13th and classified Nos.916-925 and supplementary charges Nos: 451 & 564, 863, 901 & 487. There were altogether 99 names of which 2 were classified as "C", thus leaving 97 for Sub-Commission list No:15. The report of the Sub-Committee was adopted and the Secretary General was authorized to print these 97 names together with 49 names passed by the 27th meeting of the Sub-Commission in list No:15.

3. Report by Chairman of Finance Committee.

The Chairman of the Finance Committee, Mr.Lamb made a report on the Finance of the Sub-Commission from April 1st, 1945 to March 31st, 1946. The budget for the Financial Year was £2500 and the Expenditure was £647 and 4 pence. It was well within the limit.

Though the budget for the current Financial Year is £2000 and the allowances for staff members of the Secretariat have been somewhat increased owing to increase in prices, Mr.Lamb thought that the Sub-Commission would probably be still within its budget especially in view of the recent changes in the official exchange rate of the pound. The Secretary-General supplemented the report of Mr.Lamb by saying that the recent increase in expenditure is also due to the following:

1. Transfer of all the archives of the Sub-Commission from Chungking to Nanking. All those were transported to Nanking at the expense of the Ministry of Foreign Affairs. But the Sub-Commission had to pay for all the locks, wooden trunks and local transportation fees,

2. Printing of Sub-Commission's lists. Formerly, the Sub-Commission's lists were printed at the expense of the U.S.Army Headquarters in

Shanghai. Now they are printed by the secretariat itself. The report of the Finance Committee was adopted and the statement of accounts is attached to the minutes.

4. Documents received

The Secretariat had received from the Australian representative one copy of list No.3 of confirmed sentences on Japanese War Criminals tried in Australian Military tribunals. It was circulated at the meeting. The Secretary-General also reported that all similar documents received by the Sub-Commission had been transmitted to the Chinese War Crimes Commission in accordance with resolution of the last meeting of the Sub-Commission.

5. Date of Next meeting. 10 a.m. September 3rd, 1946.

STATEMENT OF RECEIPTS AND EXPENDITURE OF FAR EASTERN AND PACIFIC SUB-COMMISSION OF THE UNITED NATIONS WAR CRIMES COMMISSION FOR THE FINANCIAL YEAR 1ST APRIL, 1945 TO 31ST MARCH, 1946.

EXPENDITURE		C.N.$.
1945	April 1st - June 30th	250,676.00
	July 1st - September 30th	384,689.00
	Oct.1st - December 31st	355,780.00
1946	Jan.1st - March 31st	299.940.00
		1,291,085.00
	Balance on April 1st, 1946	565,440.27
		1,856,525.27

ADVANCES THROUGH H.M. EMBASSY ETC.	C.N.$
Balance April 1st, 1945	331,220.00
Advance: July 1945	500,000.00
October 1945	500,000.00
Bank's interest 30/6/45	11,190.09
Bank's Interest 21/12/45	14,115.18
Advance: March 18th, 1946	500,000.00
	1,856,525.27

RUPEE EXPENDITURE:

			£	s	d
1945 May:	1,466.11.6	-	110	15	4
July:	528. 9.0	-	39	18	4
	1,995. 4.6		150	13	8

STERLING EQUIVALENT OF ADVANCE:			£	s	d
1945 July:	C.N.$ 500,000	-	214	5	9
Oct.	C.N.$ 500,000	-	166	11	5
1946 March:	C.N.$ 500,000	-	115	9	6
			496	6	8
Plus Rupee Expenditure.			150	13	8
		TOTAL	£647	0	4

Details of Dollar Expenditure:	Salaries & Wages	Stationery and Incidentals	Total
1945			
April 1st - June 30th	173,700	76, 976	250,676
July 1st - Sept.30th	285,180	99,509	384,689
Oct.1st - Dec.31st	313,020	42,760	355,780
1946			
Jan.,1st - March 31st	281,940	18,000	299,940
	1,053,840	273,245	1,291,085

UNITED NATIONS WAR CRIMES COMMISSION

SECRET SM29

MINUTES OF THE TWENTY-NINTH MEETING OF
THE FAR EASTERN AND PACIFIC SUB-COMMISSION
OF THE UNITED NATIONS WAR CRIMES COMMISSION

Time and Place: 10 A.M. Tuesday, September 3rd, 1946

Representatives Present:

Dr. Liu Chieh (in the Chair)	CHINA
Mr. C. Y. Cheng	
Dr. Wang Hua-Cheng (Secretary-General)	
Mr. R. P. Ludden	U. S. A.
Mr. Patrick Shaw	AUSTRALIA
Mr. Delvaux de Fenffe	BELGIUM
Mr. S. I. Hasan	INDIA
Mr. Van den Berg	NETHERLANDS
Dr. Michal Derenicz	POLAND
Mr. L. H. Lamb	UNITED KINGDOM

1. Approval of minutes of 28th Meeting:

Minutes of the last meeting were adopted.

2. Report by Chairman of Committee on Facts and Evidence.

The Sub-Committee on Facts and Evidence met on August 27th 1946 and classified cases Nos. 953-987 and supplementary charges Nos. 499, 561, 803, 908 and 952. There were altogether 99 names out of which 4 were classified "C", thus leaving 95 names for Sub-Commission's List No. 16. The report of the Sub-Committee was adopted and the Secretary-General was authorized to print the above 95 names in list.

3. Date of Next Meeting.

10 A.M. September 17th, 1946.

UNITED NATIONS WAR CRIMES COMMISSION

SM30

SECRET

MINUTES OF THE THIRTIETH MEETING OF
THE FAR EASTERN AND PACIFIC SUB-COMMISSION
OF THE UNITED NATIONS WAR CRIMES COMMISSION.

Time and Place: 10 A.M. Tuesday, September 17, 1946, Ministry of Foreign Affairs.

Representatives Present:

Dr. Liu Cheih (in the Chair)	China
Mr. C. Y. Cheng	
Dr. Wang Hua-Cheng (Secretary-General)	
Mr. Patrick Shaw	Australia
Mr. Delvaux de Fenffe	Belgium
Mr. Emanual Mazac	Czechoslovakia
Mr. Brethes	France
Mr. Sathe	India
Mr. Barkman	Netherlands
Dr. Michal Derenicz	Poland
Mr L. H. Lamb	United Kingdom.

1. Approval of Minutes of 29th Meeting.

Minutes of the last meeting were adopted.

2. Distribution of Sub-Commission's List No. 15.

Copies of this list were distributed to Members of the Sub-Commission. Other copies were sent to the Chinese War Crimes authorities and SCAP at Tokio.

3. Report by Chairman of the Commission on Facts and Evidence.

Mr. Barkman reported on behalf of Mr. Van den Berg, acting Chairman of the Sub-Committee, that the Sub-Committee met on September 10th 1946 and classified cases Nos. 988-1023 and supplementary Charges Nos. 544, 584, 881 and 908. There were altogether 121 names out of which 15 were classified as "C" thus leaving 106 names for Sub-Commission list No. 17. The report of the Sub-Committee was adopted.

4. Date of Next Meeting.

10 A.M. October 1st, 1946.

SECRET. SM.31

UNITED NATIONS WAR CRIMES COMMISSION

MINUTES OF THE THIRTY-FIRST MEETING OF
THE FAR EASTERN AND PACIFIC SUB-COMMISSION
OF THE UNITED NATIONS WAR CRIMES COMMISSION.

Time and Place: 10 a.m. on Tuesday, October 1st, 1946,
Ministry of Foreign Affairs.

Representatives Present:

Dr.Liu Chieh(in the Chair)	China
Dr.Wang Hua-cheng(Secretary-General)	
Mr.C.Y.Cheng	
Mr.Ludden	United States of America.
Mr.C.Lee	Australia
Mr.Delvaux de Fenffe	Belgium
Mr.Emanuel Mazac	Czechoslovakia
Mr.Brethes	France
Mr.L.S.Hasan	India
Mr.Van den Berg	Netherlands
Dr.Michal Derenicz	Poland
Dr.L.H.Lamb	United Kingdom
Mr.Bryan	

1. Approval of Minutes of 30th Meeting.

Minutes of the last meeting were adopted.

2. Report by Chairman of the Sub-Committee on Facts and Evidence.

The Sub-Committee met on September 24th,1946 and Classified Cases Nos.1024-1055 and Supplementary Charges Nos.561,842,879,906, 908 and 886,912 and 929. There were altogether 136 names out of which one was classified as "C" thus leaving 135 names for Sub-commission's list No.18.

3. Arrest of Japanese War Criminals in Japan.

Chairman Dr.Liu Chieh reported that as a result of the speedy repatriation of the Japanese from China, only a small number of Japanese War Criminals on the Sub-commission's Lists have been arrested so far and that the Chinese Government will soon instruct its representative at Tokio to approach the Headquarters of the Supreme Commander of the Allied Powers for help in arresting those Japanese War Criminals listed by the Sub-commission.

4. Acting Chairman.

Chairman Dr.Liu Chieh was appointed as Chinese delegate to the forthcoming United Nations Assembly Meeting. During Dr.Liu's absence, the Belgian Ambassador Mr.Delvaux de Fenffe was asked to serve as Acting Chairman of the Sub-commission.

5. Date of the Next Meeting.

10 a.m. Tuesday October 15,1946.

SECRET. SM.32.

UNITED NATIONS WAR CRIMES COMMISSION

MINUTES OF THE THIRTY-SECOND MEETING OF
THE FAR EASTERN AND PACIFIC SUB-COMMISSION
OF THE UNITED NATIONS WAR CRIMES COMMISSION.

Time and Place: 10 a.m. Tuesday, October 15th, 1946.
Ministry of Foreign Affairs.

Representatives Present:

H.E.Delvaux de Fenffe(in the Chair)	BELGIUM
Mr.R.P.Ludden	United States of AMERICA
Mr.Patrick Shaw	AUSTRALIA
Dr.Seymour C.Y.Cheng	CHINA
Dr.Wang Hua-Chen(Secretary-General)	
Mr.Emanuel Mazac	CZECHOSLOVAKIA
Mr.Van den Berg	NETHERLANDS
Mr.H.D.Bryan	UNITED KINGDOM

1. Approval of Minutes of 31st Meeting.

In Paragraph 4 of the Minutes of 31st Meeting, the words 'by the Chinese Government' were inserted after Chairman Dr.Liu Chieh was appointed and the minutes as amended were adopted.

2. Report by Sub-Committee on Facts and Evidence.

The Sub-committee met on October 8th,1946 and classified cases No.1056-1091 and supplementary Charges 561,881,895 and 1008. There were altogether 97 names out of which two were classified as "C", thus leaving 95 names for Sub-commission's list,No.19.

3. Documents received.

The Secretariat had received from the Australian representative on the Sub-Commission the following documents:

4 Copies of Australian Military Forces lists No.2 of Japanese War Criminals Implicated in War Crimes against Australians and held in SEAC or SOAP Areas.

4 Copies of Australian Military Forces List No.7 of suspected Japanese War Criminals not yet held in Custody.

These documents were forwarded to the Chinese War Crimes Authorities for reference purposes.

4. Date of Next Meeting.

10 A.M.Tuesday, October 29th,1946.

SECRET. SM.32.

UNITED NATIONS WAR CRIMES COMMISSION

MINUTES OF THE THIRTY-SECOND MEETING OF
THE FAR EASTERN AND PACIFIC SUB-COMMISSION
OF THE UNITED NATIONS WAR CRIMES COMMISSION.

Time and Place: 10 a.m. Tuesday, October 15th, 1946.
Ministry of Foreign Affairs.

Representatives Present:

H.E.Delvaux de Fenffe(in the Chair)	BELGIUM
Mr.R.P.Ludden	United States of AMERICA
Mr.Patrick Shaw	AUSTRALIA
Dr.Seymour C.Y.Cheng	CHINA
Dr.Wang Hua-Chen(Secretary-General)	
Mr.Emanuel Mazac	CZECHOSLOVAKIA
Mr.Van den Berg	NETHERLANDS
Mr.H.D.Bryan	UNITED KINGDOM

1. Approval of Minutes of 31st Meeting.

In Paragraph 4 of the Minutes of 31st Meeting, the words 'by the Chinese Government' were inserted after Chairman Dr.Liu Chieh was appointed and the minutes as amended were adopted.

2. Report by Sub-Committee on Facts and Evidence.

The Sub-committee met on October 8th,1946 and classified cases No.1056-1091 and supplementary Charges 561,881,895 and 1008. There were altogether 97 names out of which two were classified as "C", thus leaving 95 names for Sub-commission's list,No.19.

3. Documents received.

The Secretariat had received from the Australian representative on the Sub-Commission the following documents:

4 Copies of Australian Military Forces lists No.2 of Japanese War Criminals Implicated in War Crimes against Australians and held in SEAC or SCAP Areas.

4 Copies of Australian Military Forces List No.7 of suspected Japanese War Criminals not yet held in Custody.

These documents were forwarded to the Chinese War Crimes Authorities for reference purposes.

4. Date of Next Meeting.

10 A.M.Tuesday, October 29th,1946.

SECRET UNITED NATIONS WAR CRIMES COMMISSION SM33.

MINUTES OF THE THIRTY-THIRD MEETING OF THE
FAR EASTERN AND PACIFIC SUB-COMMISSION, OF
THE UNITED NATIONS WAR CRIMES COMMISSION.

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Time and Place: 10 A.M. Tuesday, October 29, 1946. Ministry of Foreign Affairs.

Representatives Present:

H. E. Delvaux de Fenffe (in the Chair)	Belgium
Mr. Patrick Shaw	Australia
Dr. Syemour C.Y. Cheng	China
Dr. Wang Hua-Cheng (Secretary General)	
Mr. Emanuel Mazac	Czechoslovakia
Mr. Brethes	France
Mr. Hasan	India
Mr. Barkman	Netherlands
Mr. H. D. Bryan	United Kingdom.

1. Approval of Minutes of 32nd Meeting.

Minutes of the last meeting were adopted.

2. Report by Sub-Committee on Facts and Evidence.

The Sub-Committee met on October 22nd, 1946 and classified cases Nos. 1092-1104, 1106-1127 and supplementary charges 874, 905, 971, 975, 1001, 1065. There were altogether 192 names out of which seven were classified as "C" thus leaving 185 names for Sub-Commission's List No. 20.

3. Documents Received:

The Secretariat had received from the British representative on the Sub-Commission the following documents:

a. Alphabetical list of War Service Histories of War Criminal Suspects in Custody in South East Asia Command, Book 2, together with War Service Histories of Suspects in Custody in Saigon, list N-T and U-Z sheets 33-58

b. Amendment No. 2 to Nominal Roll of Accused in Custody S.E.A. Command.

4. Time Limit set by Chinese War Crimes Authorities on presentation of Charges.

The Secretary General reported that there are about 160,000 complaints against Japanese atrocities in the hands of the Chinese War Crimes authorities. Out of these about 30,000 complaines of more serious nature have been used as materials for charges against Japanese War Criminals. Presented to the Sub-Commission about 70,000 complaints of less serious nature have been dealt with directly by the Chinese authorities. The remaining 60,000 complaints are still under investigation. It was recently decided to rush through the work of presenting charges against the Japanese War Criminals to the Sub-Commission before the end of June 1947.

5. Date of Next Meeting.

10 A.M. Tuesday, November 19th, 1946.

SECRET UNITED NATIONS WAR CRIMES COMMISSION SM 34

MINUTES OF THE THIRTY-FOURTH MEETING OF THE
FAR EASTERN AND PACIFIC SUB COMMISSION
OF THE UNITED NATIONS WAR CRIMES COMMISSION

Time and Place: 10 a.m. Tuesday, November 19, 1946.
Ministry of Foreign Affairs.

Representatives present:

H. E. Jacques Delvaux de Fenffe (in the Chair)	Belgium
Mr. R. P. Ludden	U.S. of America
Mr. Patrick Shaw	Australia
Dr. Wang Hua-Cheng (Secretary General)	China
Dr. C. Y. Cheng	"
Captain S. I. Hasan	India
Mr. C. D. Barkman	Netherlands
Dr. Michal Dorenicz	Poland
Mr. H. D. Bryan	United Kingdom

1. Approval of minutes of the 33rd Meeting.
Minutes of the last meeting were approved.

2. Distribution of copies of Sub-Commission's List No. 19.
List No. 19 was printed by the Secretariat and copies of which were distributed to representatives present.

3. Report by Chairman of Sub-Committee on Facts and Evidence.
The Sub-Committee met on November 12, 1946 and classified cases Nos. 1128-1130, 1132, 1136, 1138-1146, 1151, 1156, and 1158-1161. There were altogether 199 names out of which one was classified "C" thus leaving 198 names for Sub-Commission's List No. 21. The Report of the Sub-Committee was adopted.

4. Examination of Cases of Deliberate Bombardment.

The Sub-Committee, in its examination of cases, came across a number of cases of deliberate bombardment of undefended places. Though deliberate bombardment of undefended places was considered a war crime by the United Nations War Crimes Commission and listed as such, yet it was felt that in most cases it would be practically impossible to collect sufficiently complete evidence for a "prima facie" case. It was decided to refer the question to the Sub-Commission.

In the Sub-Commission Meeting, views were exchanged among representatives present. It is true that in cases of deliberate bombardment of undefended places it is difficult to identify the guilty pilot and it is equally difficult if not more so to collect such evidence as written orders from superior officers. Nevertheless deliberate bombardment of undefended places is a war crime and as such should not go unpunished. Even if it is the result of mistaken judgment on the part of the pilot, such a mistake should not be accepted as an excuse for the crime thus committed. It was the opinion of the representatives present that in cases of deliberate bombardment of undefended places, the officer or officers in charge of the air force concerned must be held responsible for it is a known fact that no plane would take off for the bombardment of enemy places unless orders were given by the commanding officer. In view of the above discussion, the Sub-Commission decided that the Sub-Committee on Facts and Evidence should classify, in its ordinary way, all the important cases of bombardment, leaving out the less significant ones for the time being.

5. Documents received.
The Secretariat had received from the British representative on the Sub-Commission, Mr. H. D. Bryan, "Alphabetical List of War Service Histories of War Criminal Suspects in Custody South East Asia Command (Book II Series 244 and 1139)". As usual, these documents were passed on to the Chinese War Crimes authorities for purpose of reference.

6. Date of next meeting.
10 a.m. Tuesday, December 10, 1946.

MINUTES OF THE THIRTY-FIFTH MEETING OF THE FAR-EASTERN AND PACIFIC SUB-COMMISSION OF THE UNITED NATIONS WAR CRIMES COMMISSION.

Time and Place: 10 a.m. Tuesday, December 10, 1946, Ministry of Foreign Affairs.

Representatives present:

H. E. Jacques Delvaux de Fenffe (in the Chair)	Belgium
Mr. Patrick Shaw	Australia
Dr. Wang Hua-Cheng (Secretary General)	China
Dr. C. Y. Cheng	"
Mr. Emmanuel Mazac	Czechoslovakia
Mr. Jean Brethes	France
Mr. Van den Berg	Netherlands
Dr. Michal Derenicz	Poland
Mr. H. D. Bryan	United Kingdom

1. Approval of minutes of 34th Meeting.

Minutes of the last meeting were adopted.

2. Distribution of copies of Sub-Commission's list No. 20

Copies of List No. 20 were distributed to representatives at the meeting.

3. Report by Chairman of Sub-Committee on Facts and Evidence.

The Sub-Committee had classified cases Nos. 1105, 1131, 1133, 1134, 1135 1137, 1147-1150, 1152-1155, 1157, 1162-1167, 1168-1204 and supplementary charges Nos. 455, 544, 700, 975, 1105, 1133, 1135, 1153, 1154, 1162, 1163 1163 and 1165. There were altogether 177 names out of which 51 were classified as "C" thus leaving 126 names for Sub-Commission's lists No. 22.

4. Question of deliberate Bombardment of undefended places.

The question of how to classify cases of deliberate bombardment of undefended places was again brought up for discussion. Question was raised as to what constitutes deliberate bombardment, what proof is required and on whom rests the burden of proof. The Sub-Commission decided to refer the matter to the Main Commission in London for advice. A letter was sent by the Acting Chairman of the Sub-Commission, the text of which reads as follows:-

Nanking, December 24, 1946.

"The Acting Chairman of the Far Eastern and Pacific Sub-Commission of the United Nations War Crimes Commission has the honour to present his compliments to the Chairman of the United Nations War Crimes Commission and to inquire about the following:-

The Sub-Commission here is faced with a number of cases on "deliberate bombardment of undefended places" in China by Japanese planes. The Sub-Commission wishes to learn from the Main Commission (a) What constitutes deliberate bombardment and on whom rests the burden of proof? (b) What constitutes an undefended place and what evidence is required to establish the fact of undefendedness? (c) What procedure has been followed in similar cases in Europe by the Main Commission?

Signed: Jacques Delvaux de Fenffe
(Belgian Ambassador to China)

5. Date of the Next Meeting.

Date of the next meeting was at first scheduled at 10 a.m. Tuesday, January 7, 1 47, Later by order bf the Acting Chairman, the meeting was postponed to 10 a.m. Tuesday, January 14, 1947.

SECRET

SM 36.

UNITED NATIONS WAR CRIMES COMMISSION

MINUTES OF THE THIRTY-SIXTH MEETING OF THE FAR-EASTERN AND PACIFIC SUB-COMMISSION OF THE UNITED NATIONS WAR CRIMES COMMISSION.

Time and Place: 10 a.m. Tuesday, January 14, 1947. Ministry of Foreign Affairs.

Representatives Present:

Dr. Liu Chieh (in the Chair)	China
Dr. Wang Hua-Cheng (Secretary-General)	
Dr. C. Y. Cheng	
Mr. R. P. Ludden	United States of America
Mr. Patrick Shaw	Australia
Mr. Max Wery	Belgium
Mr. Emmanuel Mazac	Czechoslovakia
Mr. Van den Berg	Netherlands
Dr. Michal Derenicz	Poland
Mr. H. D. Bryan	United Kingdom.

1. Thanks from Chairman, Dr. Liu.

At the opening of the meeting, Dr. Liu thanked all members present for carrying on the work of the Sub-Commission during his absence. He thanked the Belgian Ambassador, Jacques Delvaux de Fenffe, particularly for presiding over the meetings of the Sub-Commission.

2. Approval of Minutes of 35th Meeting.

Minutes of the last meeting were adopted.

3. Distribution of Sub-Commission List No. 21.

Copies of List No. 21 were distributed to members of the Sub-Commission.

4. Report by Chairman of Committee on Facts and Evidence.

The Sub-Commission met on January 7th, 1947 and classified charges 1205, 1207-1210, 1212-1219, 1221-1228, 1230-1237, 1242, 1243 and 1199. There were altogether 71 names out of which 5 were classified as "C" thus leaving 66 names for the next Sub-Commission list No. 23.

In the course of examination of these charges questions came up as to (1) war crimes committed against Formosans and (2) war crimes committed against Chinese in Siam and Malaya. The Sub-Committee felt that war crimes committed against Formosans should not be dealt with by the Sub-Committee because at the time when the war crimes were committed such Formosans were still Japanese subjects. As to war crimes committed against Chinese in Siam and Malaya, the Sub-Committee felt they should be referred to the war crimes authorities in those regions.

The report of the Sub-Committee was adopted.

5. Documents received.

A. The Sub-Commission had received from the Australian representative four copies of list No. 4 of confirmed sentences on Japanese war criminals charged under the war crimes Act 1945 by Australian Military authorities. The same had been forwarded to the Chinese authorities for their reference.

B. The Sub-Commission had received from the French representative a list of Japanese war criminals who had committed war crimes in French Indo-China. The same was referred to the Sub-Committee on Facts & Evidence for examination.

6. Winding up of the Sub-Commission.

Dr. Liu pointed out that there are not enough cases coming in from the Chinese National Office and the work of the Chinese National Office itself is about to wind up. It was decided that the Secretary-General should call meetings of the Sub-Commission only when enough cases have accumulated and that a wire should be sent to the Main Commission in London to inquire about the steps to be taken for the winding up of the Sub-Commission.

7. The meeting adjourned 11 a.m.

SECRET

SM37

UNITED NATIONS WAR CRIMES COMMISSION

MINUTES OF THE THIRTY SEVENTH MEETING OF THE FAR EASTERN AND PACIFIC SUB COMMISSION OF THE UNITED NATIONS WAR CRIMES COMMISSION.

Time and Place: 10 a.m. Tuesday, February 11, 1947, Ministry of Foreign Affairs.

Representatives Present:

Dr. Liu Chieh (in the Chair)	China
Assisted by	
Dr. Wang Hua Cheng (Secretary General)	
Dr. C. Y. Cheng	
Mr. R. P. Ludden	United States of America
Mr. Max Wery	Belgium
Mr. Patrick Shaw	Australia
Mr. Emanuel Mazac	Chechoslovakia
Mr. Jean Brethes	France
Mr. Van den Berg	Netherlands
Dr. Michal Derenicz	Poland
Mr. H. D. Bryan	United Kingdom.

1. Approval of Minutes of the thirty sixth meeting.

The Minutes of the last meeting were approved.

2. Measures to be taken for the winding up of the Sub-Commission.

Chairman, Dr. Liu Chieh, reported that a reply had been received from the main Commission in London through the Chinese Embassy there to the effect that the closing up of the Sub-Commission is agreeable to the main Commission and that the Sub-Commission should submit a report of its work and send over its documents. It was decided that the Secretariat, the Sub-Committee on Facts and Evidence and the Finance Committee should each draw up a report. Then these reports should be put together and form one report from the Sub-Commission.

As to the documents of the Sub-Commission -- mainly consisted of charge sheets, it was suggested that since the Sub-Commission has four sets of charge sheets, one set should be kept in the Chinese National Office, one set sent to the representative of the War Crimes Commission in Tokyo and the remaining sets to the main Commission in London. It was decided to wire to the main Commission for instructions.

As to the assets of the Sub-Commission, such as, mimeographing machine, electric fan, etc., it was suggested that the Finance Committee should undertake to sell them out for the Sub-Commission.

3. Date of next meeting.

The Sub-Commission originally agreed to meet again on Tuesday, February 25th, 1947. But by order of Chairman, Dr. Liu Chieh, the meeting was postponed to Tuesday of the following week.

UNITED NATIONS WAR CRI ES COMMISSION

SECRET. SM. 38

MINUTES OF THE THIRTY EIGHTH MEETING OF THE FAR EASTERN AND PACIFIC SUB COMMISSION OF THE UNITED NATIONS WAR CRIMES COMMISSION

Time and Place:- 10 A.M. Tuesday, March 4, 1947
Ministry of Foreign Affairs.

Representatives present:

Vice Minister Liu-chieh (in the Chair)	China
Dr. Wang Hua-Cheng	"
Dr. C.Y. Cheng	"
Mr. R. P. Ludden	U.S.A.
Mr. Patrick Shaw	Australia
Mr. Max Wery	Belgium
Mr. Emanuel Mazac	Czechoslovakia
Mr. Van den Berg	Netherlands
Dr. Michal Dereniez	Poland
Mr. L. H. Lamb	United Kingdom.

1. Approval of Minutes of the 37th Meeting.

The Minutes of the last meeting were approved.

2. Resolution on winding up of the Sub-Commission.

Chairman, Dr. Liu Chieh, reported that information had been received from the main Commission to the effect that (a) the main Commission suggested that the Sub-Commission should adopt a resolution concerning its own termination to be approved by the main Commission (b) the main Commission would like to have only one set of the Sub-Commission charge sheets.

After some discussion the following resolution was adopted.

"Whereas at a meeting of Allied and Dominions representatives at the British Foreign Office on October 20th, 1943 for the establishment of a United Nations Commission for the Investigation of War Crimes, a Resolution was passed empowering the Commission to set up panels;

Whereas the United Nations War Crimes Commission, at a meeting on May 16th, 1944, decided to set up a Far Eastern and Pacific Sub-Commission "to deal with war crimes committed by Japan";

Whereas the Sub-Commission considers that it has now completed its task;

Therefore, the Sub-Commission hereby recommends to the U.N.W.C.C. that the work of the Sub-Commission be brought to an end, on March 31, 1947 the Sub-Commission be accordingly dissolved and its files and records along with a progress report of its activities be sent to the Commission in London."

The Secretary General was requested to forward the above resolution to the main Commission for approval.

3. Report on the Activities of the Sub-Commission.

The Secretariat and the Sub-Committee on facts and Evidence had each drawn up a report. However the Finance Committee had to wait until the end of March when all the accounts are in before it can draw up a report. The reports submitted by the Secretariat and the Sub-Committee on Facts and Evidence were approved after slight changes. (They are hereby annexed)

4. Documents to be sent to the Main Commission.

It was decided that the documents, when ready shall be forwarded to the main Commission in London through the British Embassy in Nanking.

Chairman, Dr. Liu Chieh, thanked all members of the Sub-Commission particularly the Chairman of the Sub-Committee on Facts and Evidence and of the Finance Committee for their hearty cooperation and valuable service.

The Meeting was adjourned at 11.30 A.M.